



**Garden
Spot of
Colorado**

**MEETING OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, September 26, 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. 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:

MEMO RE CONSENT AGENDA.PDF
A. SEPTEMBER 26 2023 MEETING AGENDA.PDF
B. AUGUST 22 2023 MINUTES.PDF
C. JULY 2023 FINANCIAL INFORMATION.PDF
D. SEPTEMBER 2023 BOARD REPORT.PDF
E. LIBRARY APPOINTMENTS.PDF
F. DOWNTOWN DEVELOPMENT AUTHORITY UPDATE.PDF
G. LETA IGA AMENDMENT.PDF

- 5.II. Trustee Vacancy Appointment
Introduction by: Christian Samora

Documents:

MEMO RE APPOINTMENT OF TOWN TRUSTEE.PDF
KURTZ_TRUSTEE VACANCY APPLICATION.PDF
WING_TRUSTEE VACANCY APPLICATION.PDF

5.III. Flood Mitigation Code - Public Hearing
Introduction by: Anne Johnson

Documents:

1. MEMO RE FLOOD MITIGATION CODE.PDF
2. FLOOD ORDINANCE 1321 - 2023.PDF
3. FLOOD CO MODEL ORDINANCE SECTION 12 CH 30.PDF
4. FLOOD ORDINANCE CHECKLIST BERTHOUD FROM CWCB.PDF
5. FLOOD RESOLUTION 2021.2 APPROVING NFIM.PDF
6. PLANNING COMMISSION DRAFT MINUTES 2023 08 24.PDF
7. PUBLIC MEETING NOTICE.PDF

5.IV. Chapter 30 Code Amendments - Public Hearing
Introduction by: Anne Johnson

Documents:

1. MEMO RE CHAPTER 30 CODE AMENDMENTS.PDF
2. GENERAL CODE ORDINANCE 1322.PDF
3. GENERAL ORDINANCE EXHIBIT A.PDF
4. PUBLIC MEETING NOTICE.PDF
5. PLANNING COMMISSION DRAFT MINUTES 2023 08 24.PDF

5.V. Ludlow Annexation And Zoning - Public Hearing
Introduction by: Anne Johnson

Documents:

1. MEMO RE LUDLOW ANNEXATION AND ZONING.PDF
2. STAFF REPORT.PDF
3. STAFF REPORT ATTACHMENT 1 - APPLICATION FORM.PDF
4. STAFF REPORT ATTACHMENT 2 - ANNEXATION AND REZONE MAP.PDF
5. STAFF REPORT ATTACHMENT 3 - REFERALL AGENCY REVIEW.PDF
6. ANNEXATION FINDINGS OF FACT RESOLUTION 2023-19.PDF
7. ANNEXATION ORDINANCE 1323.PDF
8. COZ ORDINANCE 1324.PDF
9. COZ ORDINANCE EXHIBIT B - REZONE MAP.PDF

5.VI. Mosquito Spray Policy
Introduction by: Chris Kirk

Documents:

MEMO RE MOSQUITO MANAGEMENT POLICY.PDF
RESOLUTION 2023-20 MOSQUITO MANAGEMENT POLICY.PDF

6. Elected Official Reports

1. Town Board - Tim Hardy, May Albrecht, Mike Grace, Sean Murphy, and Karl Ayers.

- a) Establish interview committees to fill vacancies on volunteer committees.
- 2. Mayor - William Karspeck
- 3. Staff - Town Administrator, Attorney

7. 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:	September 26, 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) September 26, 2023, Meeting Agenda
- b) August 22, 2023, Meeting Minutes
- c) July 2023 Financial Information
- d) September 2023 Board Report
- e) Library Appointments
- f) Downtown Development Authority Update
- g) LETA IGA Amendment Resolution

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.



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Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, September 26, 2023, 6:30 p.m.

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Web: www.zoom.us/join

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) September 26, 2023, Meeting Agenda
 - b) August 22, 2023, Meeting Minutes
 - c) July 2023 Financial Information
 - d) Library Appointments
 - e) Broadband Request for Qualifications
 - f) Constitution Week Proclamation
 - g) Downtown Development Authority Update
 - h) Fire Engine Donation to Fire District
 - 2. Trustee Vacancy Appointment** (Christian Samora) (20 Min)
 - 3. Flood Mitigation Code – Public Hearing** (Anne Johnson) (20 Min)
Ordinance 1321, an Ordinance Adopting the Town of Berthoud Flood Damage Prevention Code, Municipal Code Chapter 30, Section 12
 - 4. Chapter 30 Code Amendments – Public Hearing** (Anne Johnson) (20 Min)
Ordinance 1322, an ordinance of the Town of Berthoud, Colorado amending sections of Chapter 18 and Chapter 30 of the Berthoud Municipal Code

September 26, 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.

5. **Ludlow Annexation and Zoning – Public Hearing** (Anne Johnson) (10 Min)
Ordinance 1323, an Ordinance of the Town of Berthoud annexing property known as the “Ludlow Sliver Annexation” to the Town of Berthoud; and Ordinance 1324, an Ordinance amending the zoning map of the Town of Berthoud to establish the zoning of property known as the “Ludlow Sliver Annexation” newly annexed to the Town of Berthoud

6. **Mosquito Spray Policy** (Chris Kirk) (30 Min)

VI. ELECTED OFFICIAL REPORTS (10 Min)

1. Town Board – Tim Hardy, May Albrecht, Mike Grace, Sean Murphy, and Karl Ayers
 - a) Establish interview committees to fill vacancies on volunteer committees.
2. Mayor – William Karspeck
3. Staff – Town Administrator, Attorney

VII. EXECUTIVE SESSION

Pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators.

VIII. ADJOURN

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

September 26, 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.



MEETING MINUTES OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, August 22nd, 2023, 6:30 p.m.

8/22/2023 - Minutes

1. Meeting Called To Order - Mayor William Karspeck

Mayor Karspeck called the meeting to order at 6:30 pm.

2. Pledge Of Allegiance - Mayor William Karspeck

Mayor Karspeck led the Pledge of Allegiance.

3. Roll Call - Mayor William Karspeck

The following Board Members were present:

Tim Hardy, Trustee
Karl Ayers, Trustee
Sean Murphy, Trustee
May Albrecht, Trustee
Mike Grace, Mayor Pro-Tem
Will Karspeck, Mayor

The following staff members were present:

Erin Smith, Town Attorney
Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Lexi Weissman, Deputy Town Clerk
Keith Knoll, Director of Public Works
Paul Furnas, Town Forester
Cindy Leach, Director of Finance
Walt Elish, Director of Economic Development
Anne Johnson, Planning Director
Jeremy Olinger, Deputy Town Administrator

4. Citizen Participation

No one spoke during Citizen Participation.

5. Scheduled Items And Estimated Time For Discussion

5.1. Consent Agenda

- a) August 22, 2023, Meeting Agenda
- b) August 8, 2023, Meeting Minutes
- c) Town of Berthoud Communications Plans
- d) August 2023 Board Report
- e) 328 Massachusetts Ave Request
- f) Newell Farm Proclamation

Trustee Ayers moved to combine and approve the items on the Consent Agenda. Trustee Hardy seconded the motion. In a 5-1 roll call vote, THE MOTION CARRIED, with Trustee Murphy abstaining.

5.II. Puppy Mill Awareness Proclamation

Mayor Karspeck read the Puppy Mill Awareness Day Proclamation.

5.III. Annual Committee Reports

Tim Grover, PORT Committee Chair, gave an annual report for the PORT Committee.

Lynn Larsen, Tree Advisory Committee member, gave an annual report for the Tree Advisory Committee.

5.IV. 2023 Supplemental Budget Appropriation - Public Hearing

Cindy Leach, Director of Finance, gave an introduction on the 2023 Supplemental Budget Appropriation.

Mayor Karspeck opened up Public Hearing.

Beverly Garmany and Jonah Beeken spoke during the Public Hearing. Chris Kirk, Town Administrator, addressed some of the citizen's concerns regarding flashing crosswalk lights and an adaptive playground.

Mayor Karspeck closed the Public Hearing.

Trustee Ayers moved to approve Resolution 2023-18, a resolution making a supplemental appropriation of funds and adopting budget amendments to account for roll over and supplemental items, and making a supplemental appropriation. Mayor Pro-Tem Grace seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.V. Broadband Development Request For Qualifications

Walt Elish, Director of Economic Development, gave an introduction on the Town's Broadband Development.

Mayor Karspeck opened up Public Comment.

Lynn Larsen spoke during Public Comment.

Mayor Karspeck closed Public Comment.

Mayor Pro-Tem Grace moved to authorize staff to issue a Request for Qualifications to solicit information from interested parties. Trustee Murphy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.VI. Westside Crossing Commercial Preliminary Plat - Public Hearing

Anne Johnson, Planning Director, gave an introduction on the Westside Crossing Commercial Preliminary Plat.

Will Charles with Baseline Engineering gave background information on Westside Crossing.

The applicant, Scott Charpentier, gave a presentation.

Mayor Karspeck opened up the Public Hearing.

John Terrell spoke during the Public Hearing.

Mayor Karspeck closed the Public Hearing.

Mayor Pro-Tem Grace moved to approve Resolution 2023-17 with the condition that the applicant work to get a TransFort bus stop added to the development. Trustee Hardy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.VII. Tree Removals In Town Park

Jeremy Olinger, Deputy Town Administrator, gave an introduction on Town tree removals.

Paul Furnas, Town Forester, gave background information on the trees.

Trustee Murphy moved to continue the meeting past 9:30 pm to 10:30 pm. Mayor Pro-Tem Grace seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

Mayor Karspeck opened Public Comment.

John Goreski, Jason Roth, Linda Wilson, Pat Karspeck, Milan Karspeck, Allen Owen spoke during Public Comment.

Mayor Karspeck closed Public Comment.

The Board was supportive of removing the three recommended Cottonwood trees and keeping the Honey Locust tree by adjusting the park design if possible.

5.VIII. Discussion To Set Mosquito Policy Study Session

Chris Kirk, Town Administrator, gave an introduction on the Mosquito Policy Study Session.

The Board was supportive of having a Study Session to discuss Mosquito policy on Tuesday, August 29th, 2023.

Mayor Karspeck opened up Public Comment.

George Garmany and Jeff Hoskin spoke during Public Comment.

Mayor Karspeck closed Public Comment.

6. Elected Official Reports

Trustee Hardy:

Trustee Hardy had questions for staff regarding traffic and transportation at the Bike Park Grand Opening, a BATS and RAFT meeting, and the pesticides being sprayed around Town parks.

Trustee Ayers:

Trustee Ayers had questions for staff about sheriff presence at the Bike Park Grand Opening, as well as the new homes in the Vantage community.

Trustee Murphy:

Trustee Murphy wanted to discuss the landscape design deadlines.

Trustee Albrecht:

Trustee Albrecht thanked staff for completing the Town Communications Plan and including Town officials.

Mayor Pro-Tem Grace:

Mayor Pro-Tem Grace reported that the Farm Concert is this weekend. Mayor Pro-Tem Grace had questions for staff about the rock in tree lines and irrigation at Pyramid Peak in Fickel Farm, as well as the Railroad crossing at Mountain Avenue and review plans for Spartan and the light at 287.

7. Adjourn

The meeting was adjourned at 10:58 pm.

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

TOWN OF BERTHOUD AT A GLANCE

Monthly Report JULY 2023

- Sales & Use Tax revenue is 54% **over** budget for the month of July; \$1,139,157 was received and \$739,250 was budgeted.
- Town Revenue through July including transfers between funds is 28% **over** budget for 2023.
- Town Expenditures through July are 61% **under** budget for 2023.

Sales Tax Review

JULY	Berthoud Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined Total
2023	720,555.65	163,139.08	255,462.51	1,139,157.24
2022	670,812.87	119,012.05	200,581.08	990,406.00
2021	527,565.34	143,672.08	387,131.35	1,058,368.77
2020	444,289.77	72,164.47	235,272.18	751,726.42

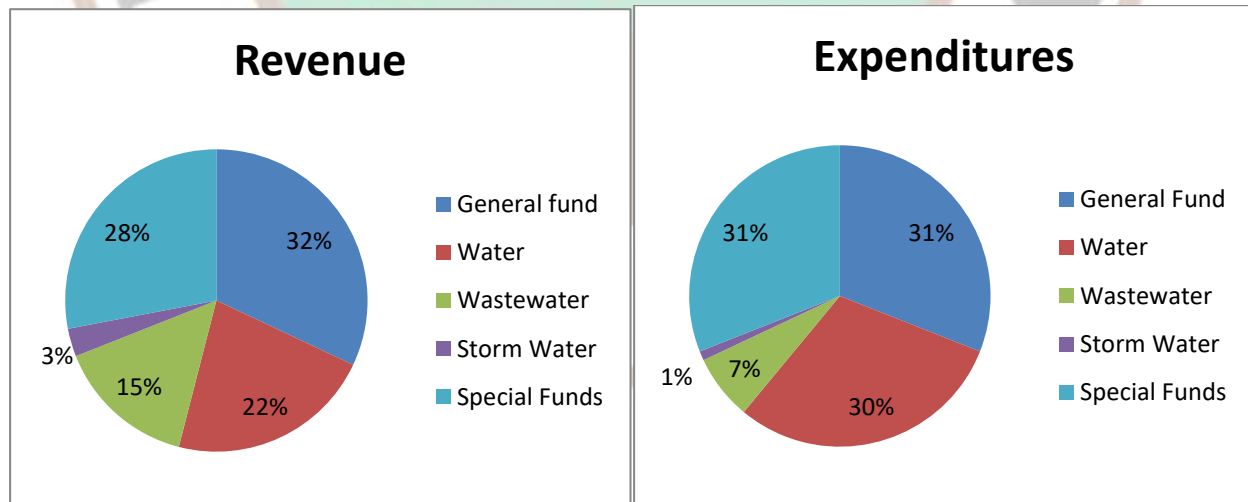
SALES TAX YEAR-TO-DATE FOR 2023

\$ 6,955,499.19

COMBINED STATEMENT OF REVENUES AND EXPENDITURES
JULY 2023

REVENUE	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	1,625,395	7,569,239	6,016,828	126%	73%
Water	779,159	5,357,246	4,016,188	133%	78%
Wastewater	560,384	3,347,783	2,642,798	127%	74%
Storm Water	125,623	722,380	459,433	157%	92%
Special Funds	1,220,556	6,826,608	5,444,513	125%	73%
TOTAL REVENUE	4,311,117	23,823,256	18,579,760	128%	75%

EXPENDITURES	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	780,102	5,728,557	11,487,761	51%	25%
Water	283,516	5,684,220	20,857,174	27%	16%
Wastewater	173,340	1,358,775	4,643,383	29%	17%
Storm Water	3,235	59,397	407,382	15%	9%
Special Funds	742,905	5,718,625	10,514,218	54%	32%
TOTAL EXPENDITURES	1,983,098	18,549,574	47,909,918	39%	23%

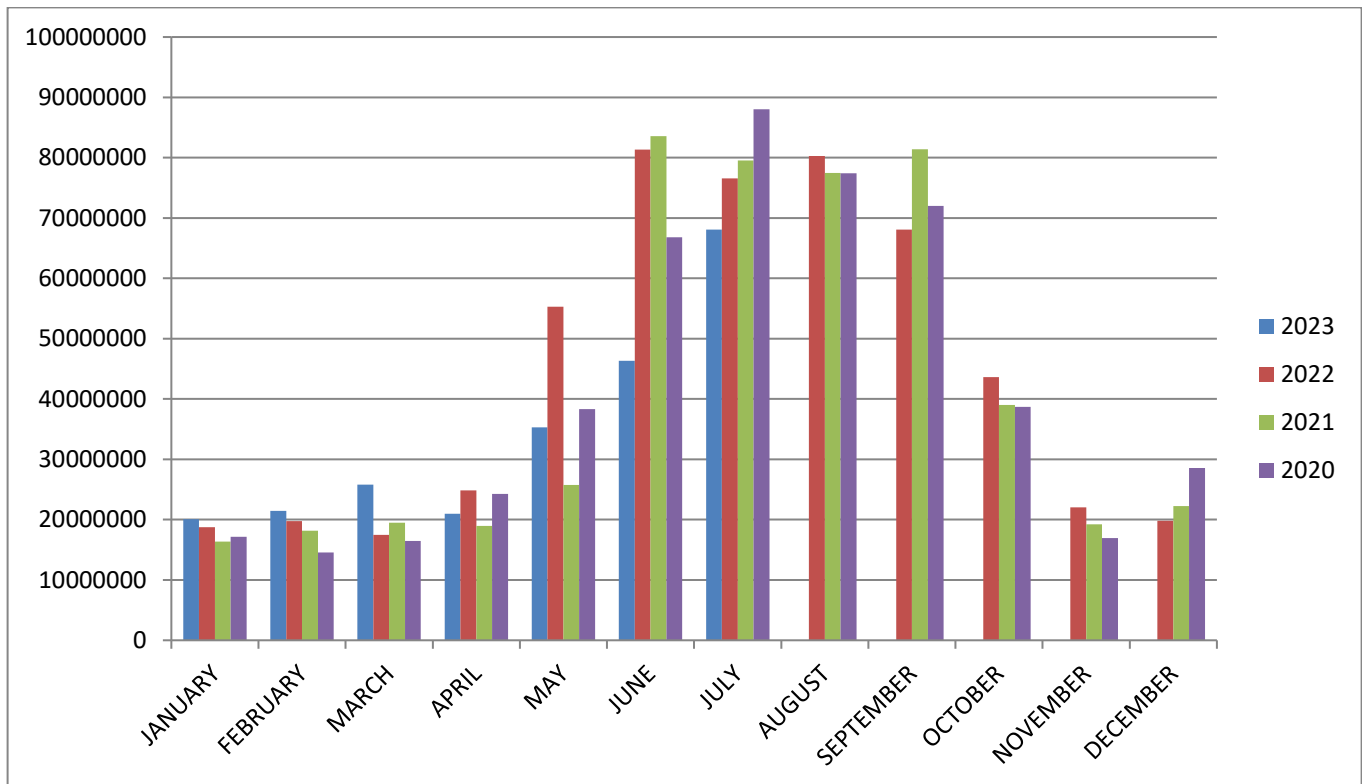


2023

	YEAR TO DATE TOTALS THRU JULY 2023
Single Family Permits	93
Overall Permit Total	373
Water Gallons Billed	237,970,000
Passports	837
Cemetery	14 Funerals

Building Permit & Permit Valuation by Year & 2023 YTD					
	2019	2020	2021	2022	2023 YTD
Single-Family home permits	341	499	511	215	93
All permits (roofing, decks, additions, etc.)	752	934	1110	809	373
Total Permit Value	\$124,840,545	\$119,451,932	\$238,661,288	\$164,526,847	\$61,626,613

BERTHOUD WATER USAGE



Personnel Summary

	Full-time	Part-time	Seasonal
Administration	13		
Code Enforcement	1		
Economic Development	1		
Planning-Building	4		
Streets	6		
Recreation	4		
Rec Center	7	80	
Parks-Forestry	11		
BATS	1	1	
Water-Wastewater	6		

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



BILLS SUMMARY JULY 2023 FINAL

BILLS ALLOWED

TOTAL BILLS	\$ 2,075,047
NET PAYROLL	\$ 281,349

Mayor William Karspeck

Mayor Pro-Tem Mike Grace

Trustee May Albrecht

Trustee Karl Ayers

Trustee Jeff Butler

Trustee Tim Hardy

Trustee Sean Murphy

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
1100200400							
70323322							
07/23	07/03/2023	703233	Allstate	JULY 2023	11-00-200400	Insurance Payable	825.33
70323323							
07/23	07/03/2023	703233	CIGNA	JULY 2023	11-00-200400	Insurance Payable	34,127.00
70323324							
07/23	07/03/2023	703233	Guardian	JULY 2023	11-00-200400	Insurance Payable	4,481.13
Total 1100200400:							39,433.46
1100410300							
74506							
07/23	07/31/2023	74506	Town of Johnstown	JULY 2023	11-00-4103-00	Sales/Use Tax	8,164.10
Total 1100410300:							8,164.10
1100450000							
74480							
07/23	07/18/2023	74480	Aleteeby, Fahd	583342	11-00-4500-00	Court-Fines	315.00
Total 1100450000:							315.00
1100460300							
74355							
07/23	07/26/2023	74355	SOLIS, LILIAN	2304.3	11-00-4603-00	Municipal Fee	86.46
Total 1100460300:							86.46
1101500941							
74237							
07/23	07/05/2023	74237	Hardy, Tim	CML 2023	11-01-5009.41	Travel/Training-Board	482.86
Total 1101500941:							482.86
1101501001							
74241							
07/23	07/05/2023	74241	Office Depot	3183188570	11-01-5010.01	Office Supplies-General Office	1,189.93
74380							
07/23	07/05/2023	74380	Pioneer Press of Greeley	92066	11-01-5010.01	Office Supplies-General Office	104.00
74435							
07/23	07/13/2023	74435	Office Depot	Multiple	11-01-5010.01	Office Supplies-General Office	103.53
74448							
07/23	07/18/2023	74448	Quadient Finance USA, Inc	7/18/2023	11-01-5010.01	Office Supplies-General Office	1,499.00
74458							
07/23	07/12/2023	74458	Culligan of Cheyenne	47074	11-01-5010.01	Office Supplies-General Office	82.00
74575							
07/23	07/31/2023	74575	Digital Print Resources Inc	21552	11-01-5010.01	Office Supplies-General Office	897.75
Total 1101501001:							3,876.21
1101501003							
74238							
07/23	07/05/2023	74238	Office Depot	Multiple	11-01-5010.03	Office Supplies-Court	353.38
Total 1101501003:							353.38

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
1101501101							
74390							
07/23	07/05/2023	74390	Voice Exchange (Paragon	60405-45794	11-01-5011.01	Telephone-General Office	38.00
Total 1101501101:							38.00
1101501301							
74239							
07/23	07/05/2023	74239	University Auto Parts-NAP	Multiple	11-01-5013.01	Vehicle Maintenance	213.58
Total 1101501301:							213.58
1101501501							
74236							
07/23	07/05/2023	74236	Department of the Treasury	2023	11-01-5015.01	Insurance	251.10
74387							
07/23	07/05/2023	74387	Healthiest You	2023070987	11-01-5015.01	Insurance	728.00
Total 1101501501:							979.10
1101502103							
74445							
07/23	07/18/2023	74445	March, Olive & Sapienza, L	Multiple	11-01-5021.03	Municipal Judge	1,986.96
Total 1101502103:							1,986.96
1101503800							
74375							
07/23	07/05/2023	74375	Hays Market	JUNE23	11-01-5038.00	Administrative Expenses	223.52
74452							
07/23	07/19/2023	74452	Denver Lighting and DJ Se	8/3/2023	11-01-5038.00	Administrative Expenses	450.00
74488							
07/23	07/19/2023	74488	White Paper BBQ	8/3/2023	11-01-5038.00	Administrative Expenses	500.00
74498							
07/23	07/27/2023	74498	White Paper BBQ	39	11-01-5038.00	Administrative Expenses	3,000.00
74555							
07/23	07/25/2023	74555	Leach, Cindy	53944	11-01-5038.00	Administrative Expenses	65.50
Total 1101503800:							4,239.02
1101503901							
74541							
07/23	07/19/2023	74541	Employers Council Service	470559	11-01-5039.01	Dues/Subscriptions-Admin	7,700.00
Total 1101503901:							7,700.00
1101504001							
74570							
07/23	07/31/2023	74570	Kissinger & Fellman, P. C.	4081	11-01-5040.01	Attorney-Admin	1,066.50
Total 1101504001:							1,066.50
1101504003							
74437							
07/23	07/18/2023	74437	Bell Gould Linder & Scott P	35444	11-01-5040.03	Attorney-Municipal Court	2,910.62

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1101504003:							2,910.62
1101504004							
74412							
07/23	07/11/2023	74412	Foote Law Firm	339	11-01-5040.04	Attorney-Board Meetings	5,500.00
Total 1101504004:							5,500.00
1101508907							
74400							
07/23	07/11/2023	74400	C&B Cleaning Services	Multiple	11-01-5089.07	Janitorial Service & Supplies	6,620.00
74566							
07/23	07/31/2023	74566	C&B Cleaning Services	Multiple	11-01-5089.07	Janitorial Service & Supplies	6,620.00
Total 1101508907:							13,240.00
1101509501							
74385							
07/23	07/05/2023	74385	Anchor Network Solutions	Multiple	11-01-5095.01	Computer Maintenance/Replace	6,234.40
Total 1101509501:							6,234.40
1101509601							
74235							
07/23	07/05/2023	74235	Comcast	JULY 2023 5	11-01-5096.01	Internet	20.60
Total 1101509601:							20.60
1101525201							
74479							
07/23	07/13/2023	74479	Zambelli Fireworks	519716-2	11-01-5252.01	Community Events	20,500.00
74569							
07/23	07/31/2023	74569	HI-PHI Entertainment	22104	11-01-5252.01	Community Events	3,500.00
Total 1101525201:							24,000.00
1102503404							
74388							
07/23	07/05/2023	74388	Larimer Humane Society	1029	11-02-5034.04	Animal Control	3,826.83
Total 1102503404:							3,826.83
1102522801							
74472							
07/23	07/13/2023	74472	Larimer Co Sheriff's Office	23-0607	11-02-5228.01	LC SO Contract Services	565,086.00
Total 1102522801:							565,086.00
1103501202							
74430							
07/23	07/11/2023	74430	XCEL Energy	JUNE23-2	11-03-5012.02	Utilities-Street Lights	8,886.59
Total 1103501202:							8,886.59
1103501207							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
74493							
07/23	07/26/2023	74493	L J R Contracting Inc.	23-300	11-03-5012.07	Street Light Repairs	600.00
Total 1103501207:							600.00
1103501406							
74415							
07/23	07/11/2023	74415	Kwik Korner	JUNE23	11-03-5014.06	Gas & Oil	4,273.00
Total 1103501406:							4,273.00
1103502001							
74456							
07/23	07/12/2023	74456	Baseline Engineering Corp.	28002	11-03-5020.01	Professional Services	3,591.50
Total 1103502001:							3,591.50
1103503602							
74408							
07/23	07/11/2023	74408	Ditch Witch of the Rockies	W11496	11-03-5036.02	Heavy Duty Veh/Equip Maint	743.57
Total 1103503602:							743.57
1103503702							
74407							
07/23	07/11/2023	74407	DISSCO	183370	11-03-5037.02	Materials for Maintenance	1,833.44
74416							
07/23	07/11/2023	74416	LG Everist INC	651063	11-03-5037.02	Materials for Maintenance	1,795.29
Total 1103503702:							3,628.73
1103504506							
74246							
07/23	07/10/2023	74246	Republic Services	Multiple	11-03-5045.06	Shop Operations	1,037.32
74378							
07/23	07/05/2023	74378	Mountain View Commercial	Multiple	11-03-5045.06	Shop Operations	5,015.00
74495							
07/23	07/26/2023	74495	Mountain View Commercial	13433	11-03-5045.06	Shop Operations	350.00
Total 1103504506:							6,402.32
1103504704							
74383							
07/23	07/05/2023	74383	Safety & Construction Sup	10547	11-03-5047.04	Signs & Signage	2,450.00
Total 1103504704:							2,450.00
1103504802							
74423							
07/23	07/11/2023	74423	Safety & Construction Sup	10614	11-03-5048.02	Safety Equipment	544.00
Total 1103504802:							544.00
1104502022							
74419							
07/23	07/11/2023	74419	Northern Colorado Sports	9696	11-04-5020.22	Officials-Youth Baseball	630.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
74547							
07/23	07/19/2023	74547	Northern Colorado Sports	9709	11-04-5020.22	Officials-Youth Baseball	367.50
74571							
07/23	07/31/2023	74571	Northern Colorado Sports	Multiple	11-04-5020.22	Officials-Youth Baseball	1,590.00
Total 1104502022							2,587.50
1104504602							
74550							
07/23	07/19/2023	74550	TopShelf Printers	49912	11-04-5046.02	Uniforms	383.16
Total 1104504602							383.16
1104504609							
74424							
07/23	07/11/2023	74424	Scheels	TSA056	11-04-5046.09	Uniforms-Track	94.00
Total 1104504609							94.00
1104504622							
74572							
07/23	07/31/2023	74572	Scheels	Multiple	11-04-5046.22	Uniforms-Youth Baseball	4,584.41
Total 1104504622							4,584.41
1104504809							
74539							
07/23	07/19/2023	74539	CPRA	1551	11-04-5048.09	Team Fees-Track	375.00
Total 1104504809							375.00
1104505601							
74573							
07/23	07/31/2023	74573	Smart Marketing with Easy	4962	11-04-5056.01	Brochures/Advertising	2,195.00
Total 1104505601							2,195.00
1106510606							
74247							
07/23	07/11/2023	74247	Longmont Printing	133306	11-06-5106.06	Travel-Business Prospecting	338.00
Total 1106510606							338.00
1107501101							
74544							
07/23	07/19/2023	74544	Hilltop Broadband	1489-202307	11-07-5011.01	Telephone	261.56
Total 1107501101							261.56
1107501209							
74467							
07/23	07/12/2023	74467	Poudre Valley REA	JULY23	11-07-5012.09	Utilities-facilities/gen parks	1,328.63
Total 1107501209							1,328.63
1107501309							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
74461							
07/23	07/12/2023	74461	Mainstreet Car Care & Qui	Multiple	11-07-5013.09	Vehicle Maint-General Park	1,126.08
Total 1107501309:							1,126.08
1107502004							
74394							
07/23	07/10/2023	74394	Thirsty Soil Solutions	Multiple	11-07-5020.04	Weed/turf maint contract	2,035.00
74549							
07/23	07/19/2023	74549	Thirsty Soil Solutions	Multiple	11-07-5020.04	Weed/turf maint contract	4,251.00
74560							
07/23	07/25/2023	74560	Thirsty Soil Solutions	8865	11-07-5020.04	Weed/turf maint contract	1,825.00
Total 1107502004:							8,111.00
1107504601							
74489							
07/23	07/25/2023	74489	Schurr, Bohdan	UNIFORM 7-	11-07-5046.01	Uniforms	174.61
74490							
07/23	07/25/2023	74490	Visger, Dawson	UNIFORM 7/	11-07-5046.01	Uniforms	308.34
Total 1107504601:							482.95
1107504904							
74405							
07/23	07/11/2023	74405	DBC Irrigation Supply	Multiple	11-07-5049.04	Irrigation Repair-Ball Fields	767.01
74471							
07/23	07/13/2023	74471	DBC Irrigation Supply	S5088533.00	11-07-5049.04	Irrigation Repair-Ball Fields	493.93
74474							
07/23	07/13/2023	74474	Longleaf Irrigation	4788	11-07-5049.04	Irrigation Repair-Ball Fields	360.00
Total 1107504904:							1,620.94
1107504909							
74411							
07/23	07/11/2023	74411	Eggers Electric Inc.	19504	11-07-5049.09	Irrigation-general parks	145.00
74565							
07/23	07/25/2023	74565	Colorado Water Systems	23-0334	11-07-5049.09	Irrigation-general parks	6,655.25
Total 1107504909:							6,800.25
1107505503							
74483							
07/23	07/18/2023	74483	Mountain View Commercial	13417	11-07-5055.03	Restroom Maintenance	624.87
Total 1107505503:							624.87
1107505704							
74427							
07/23	07/11/2023	74427	Turf Tank	32813	11-07-5057.04	Repair/Supplies-Ball Fields	1,999.00
74473							
07/23	07/13/2023	74473	LL Johnson Distributing Co	1906028-00	11-07-5057.04	Repair/Supplies-Ball Fields	1,200.64
Total 1107505704:							3,199.64
1107505709							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
74428							
07/23	07/11/2023	74428	Uline	163343070	11-07-5057.09	Repair/Supplies-General Park	1,424.12
74537							
07/23	07/19/2023	74537	Blackburn MFG. CO.	0711862	11-07-5057.09	Repair/Supplies-General Park	346.92
74557							
07/23	07/25/2023	74557	Mountain View Commercial	Multiple	11-07-5057.09	Repair/Supplies-General Park	3,717.20
Total 1107505709:							5,488.24
1107505710							
74420							
07/23	07/11/2023	74420	Olander Farms	202330	11-07-5057.10	Repair/Supplies-Farm Lease	3,892.68
Total 1107505710:							3,892.68
1107505806							
74418							
07/23	07/11/2023	74418	MAC Equipment INC	Multiple	11-07-5058.06	Equipment Maint-Fleet	878.07
Total 1107505806:							878.07
1107505902							
74478							
07/23	07/13/2023	74478	Vector Disease Control Inte	PL-A000127	11-07-5059.02	Insect Control	5,527.83
Total 1107505902:							5,527.83
1107507401							
74465							
07/23	07/12/2023	74465	Uline	162625792	11-07-5074.01	Office Furniture	701.77
Total 1107507401:							701.77
1108521502							
74421							
07/23	07/11/2023	74421	ProCode, Inc.	0100849	11-08-5215.02	Contract Inspections	16,051.01
Total 1108521502:							16,051.01
1110570800							
74446							
07/23	07/18/2023	74446	Ohlson Lavoie Corporation	114904	11-10-5708.00	Town Park Electrical	10,218.00
Total 1110570800:							10,218.00
1111518902							
74436							
07/23	07/18/2023	74436	Baseline Engineering Corp.	Multiple	11-11-5189.02	DEVELOPMENT REVIEW	63,136.60
74438							
07/23	07/18/2023	74438	Berthoud Weekly Surveyor	37900	11-11-5189.02	DEVELOPMENT REVIEW	415.07
74454							
07/23	07/19/2023	74454	Norton & Smith, P.C.	JUNE2023	11-11-5189.02	DEVELOPMENT REVIEW	7,582.47
Total 1111518902:							71,134.14
1112501201							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
74450							
07/23	07/18/2023	74450	XCEL Energy	Multiple	11-12-5012.01	Utilities	13,092.73
Total 1112501201:							13,092.73
1112501901							
74248							
07/23	07/11/2023	74248	Shums Coda Associates	16806	11-12-5019.01	Elevator Maintenance	175.00
Total 1112501901:							175.00
1112503901							
74386							
07/23	07/05/2023	74386	Berthoud Village Shopping	JULY23	11-12-5039.01	HOA Fees	3,860.86
Total 1112503901:							3,860.86
1113502001							
74389							
07/23	07/05/2023	74389	Picture This Creative Servi	JULY23	11-13-5020.01	Prof Services-Community	300.00
74562							
07/23	07/25/2023	74562	AdSortium, LLC	5226	11-13-5020.01	Prof Services-Community	1,887.50
Total 1113502001:							2,187.50
2000510103							
74462							
07/23	07/12/2023	74462	Ramey Environmental	25961	20-00-5101.03	Reservoir Mgt/Maint	986.25
Total 2000510103:							986.25
2000510402							
74556							
07/23	07/25/2023	74556	Leonard Rice Engineers In	23488	20-00-5104.02	Water Resource Master Plan	10,723.28
Total 2000510402:							10,723.28
2000510602							
74249							
07/23	07/11/2023	74249	Handy Ditch Company	1277	20-00-5106.02	Ditchwide Study	2,103.75
74433							
07/23	07/11/2023	74433	Handy Ditch Company	LATE FEES	20-00-5106.02	Ditchwide Study	23.03
Total 2000510602:							2,126.78
2000510800							
74475							
07/23	07/13/2023	74475	Resource Central	5773	20-00-5108.00	Water Conservation Program	3,376.50
Total 2000510800:							3,376.50
2000520802							
74447							
07/23	07/18/2023	74447	Providence Infrastructure C	00010	20-00-5208.02	Raw Line Maintenance	15,761.22
Total 2000520802:							15,761.22

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2100441000							
74343							
07/23	07/12/2023	74343	RANGEVIEW RECLAMATI	HM0760	21-00-4410-00	Sale of Water	2,381.25
74344							
07/23	07/10/2023	74344	SAUR, MICHAEL	1108.1	21-00-4410-00	Sale of Water	68.89
74345							
07/23	07/19/2023	74345	HOOKS, FAITHE	9881.3	21-00-4410-00	Sale of Water	85.59
74346							
07/23	07/19/2023	74346	Vazquez, Ashley	9771.3	21-00-4410-00	Sale of Water	151.60
74347							
07/23	07/19/2023	74347	FARR, CRAIG	10398.2	21-00-4410-00	Sale of Water	77.11
74348							
07/23	07/19/2023	74348	VANVALKENBURG, CHAR	10198.3	21-00-4410-00	Sale of Water	197.18
74349							
07/23	07/19/2023	74349	502 SECOND STREET LL	296.1	21-00-4410-00	Sale of Water	81.66
74350							
07/23	07/24/2023	74350	Bemas Construction	HM0761	21-00-4410-00	Sale of Water	2,415.00
74351							
07/23	07/24/2023	74351	Bemas Construction	HM0762	21-00-4410-00	Sale of Water	2,415.00
74352							
07/23	07/24/2023	74352	GARCIA, DARLENE M	10476.2	21-00-4410-00	Sale of Water	81.74
74353							
07/23	07/24/2023	74353	DIRECTIONAL TRACE LL	HM0763	21-00-4410-00	Sale of Water	2,356.71
74354							
07/23	07/24/2023	74354	DeFalco Construction Com	HM0764	21-00-4410-00	Sale of Water	2,500.00
74356							
07/23	07/26/2023	74356	DUNRITE EXCAVATION	HM0769	21-00-4410-00	Sale of Water	1,000.00
Total 2100441000:							13,811.73
2100500801							
74397							
07/23	07/11/2023	74397	American DataBank LLC	2306293	21-00-5008.01	Employee Physicals-Background	246.00
Total 2100500801:							246.00
2100501001							
74391							
07/23	07/05/2023	74391	USPS-Berthoud	JULY23	21-00-5010.01	Office Supplies	2,341.75
Total 2100501001:							2,341.75
2100501101							
74245							
07/23	07/10/2023	74245	Hilltop Broadband	3582-202306	21-00-5011.01	Telephone	194.70
74441							
07/23	07/18/2023	74441	Comcast	JULY 2023 5	21-00-5011.01	Telephone	427.10
Total 2100501101:							621.80
2100504802							
74451							
07/23	07/19/2023	74451	Cintas First Aid & Safety	Multiple	21-00-5048.02	Safety Equipment	1,080.00
Total 2100504802:							1,080.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2100505702							
74422							
07/23	07/11/2023	74422	Ramey Environmental	Multiple	21-00-5057.02	Repair, Maint, Supp Dist	91,056.47
74536							
07/23	07/18/2023	74536	Cardmember Service	JUNE23	21-00-5057.02	Repair, Maint, Supp Dist	25,467.55
Total 2100505702:							116,524.02
2100505703							
74543							
07/23	07/19/2023	74543	Hach Co.	13651921	21-00-5057.03	Repair, Maint, Supp Treat	1,471.36
Total 2100505703:							1,471.36
2100506003							
74409							
07/23	07/11/2023	74409	DPC Industries Inc.	737001997-2	21-00-5060.03	Chemicals-Treatment	7,159.56
74459							
07/23	07/12/2023	74459	DPC Industries Inc.	737002284-2	21-00-5060.03	Chemicals-Treatment	2,323.36
74463							
07/23	07/12/2023	74463	Riley Equipment Company	010421	21-00-5060.03	Chemicals-Treatment	8,622.89
Total 2100506003:							18,105.81
2100508103							
74455							
07/23	07/11/2023	74455	HOA Solutions	Multiple	21-00-5081.03	SCADA	570.00
74464							
07/23	07/12/2023	74464	Timber Line Electric & Cont	21903	21-00-5081.03	SCADA	1,319.00
Total 2100508103:							1,889.00
2100510603							
74384							
07/23	07/05/2023	74384	USA Bluebook	Multiple	21-00-5106.03	Lab Equipment/Supplies	1,152.82
74542							
07/23	07/19/2023	74542	Environmental Resource A	047505	21-00-5106.03	Lab Equipment/Supplies	211.86
Total 2100510603:							1,364.68
2100510802							
74552							
07/23	07/25/2023	74552	City of Fort Collins	Multiple	21-00-5108.02	Lab Testing	1,980.00
Total 2100510802:							1,980.00
2100510905							
74403							
07/23	07/11/2023	74403	Dana Kepner	Multiple	21-00-5109.05	Meters-new	5,440.00
Total 2100510905:							5,440.00
2300501005							
74240							
07/23	07/05/2023	74240	Xerox Business Solutions	4525719	23-00-5010.05	Office Supplies- Utility Billi	2,145.40

2300505703

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
74429							
07/23	07/11/2023	74429	UNCC	223060182	23-00-5057.03	Repair, Maint. & Supplies	1,688.61
Total 2300505703:							1,688.61
2300510801							
74402							
07/23	07/11/2023	74402	Colorado Analytical Labs. I	Multiple	23-00-5108.01	Lab Tests	3,421.21
Total 2300510801:							3,421.21
2300511401							
74406							
07/23	07/11/2023	74406	Denali Water Solutions	528790	23-00-5114.01	Sludge Hauling	2,377.24
74540							
07/23	07/19/2023	74540	Denali Water Solutions	Multiple	23-00-5114.01	Sludge Hauling	4,428.64
74553							
07/23	07/25/2023	74553	Denali Water Solutions	540795	23-00-5114.01	Sludge Hauling	2,034.42
Total 2300511401:							8,840.30
2300521405							
70323300							
07/23	07/03/2023	703233	Caselle Inc.	JULY 2023	23-00-5214.05	Computer Maint/Replacement	1,728.00
Total 2300521405:							1,728.00
2300530004							
74485							
07/23	07/18/2023	74485	UMB BANK	952560	23-00-5300.04	Bank Fees	250.00
Total 2300530004:							250.00
2400501900							
73123308							
07/23	07/31/2023	731233	Alfa Construction LLC	JULY 2023	24-00-5019.00	ALFA Line Reimbursement	11,000.00
Total 2400501900:							11,000.00
2900505703							
74426							
07/23	07/11/2023	74426	Sunbelt Rentals Inc	139973291-0	29-00-5057.03	Repair and Maintenance	1,714.45
Total 2900505703:							1,714.45
3100502202							
74453							
07/23	07/19/2023	74453	Ground Engineering Consu	220664.0-2	31-00-5022.02	Bike Park plan	1,495.00
74468							
07/23	07/13/2023	74468	American Ramp Company	3	31-00-5022.02	Bike Park plan	273,829.90
74477							
07/23	07/13/2023	74477	Diamond Enterprise Fencin	1214	31-00-5022.02	Bike Park plan	10,825.00
74545							
07/23	07/19/2023	74545	Jones Excavating & Plumbi	5208	31-00-5022.02	Bike Park plan	10,150.00
Total 3100502202:							296,299.90

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
3300502000							
74396							
07/23	07/11/2023	74396	alm2s	7974	33-00-5020 00	Professional Fees	3,650.00
Total 3300502000:							3,650.00
3400507202							
74425							
07/23	07/11/2023	74425	Schra Tree Care	21203	34-00-5072 02	Tree Maint.-Parks	5,565.25
Total 3400507202:							5,565.25
3400508004							
74398							
07/23	07/11/2023	74398	Blue River Forestry and Tr	144792	34-00-5080 04	EAB Response/Treatment	7,678.00
74538							
07/23	07/19/2023	74538	Blue River Forestry and Tr	144887	34-00-5080 04	EAB Response/Treatment	10,818.50
74564							
07/23	07/25/2023	74564	Blue River Forestry and Tr	144948	34-00-5080 04	EAB Response/Treatment	5,687.00
Total 3400508004:							24,183.50
3400526300							
74484							
07/23	07/18/2023	74484	Professional Tree & Turf E	1278	34-00-5263 00	Vehicle	9,672.41
Total 3400526300:							9,672.41
3400526600							
74486							
07/23	07/18/2023	74486	Wenk Associates, Inc.	501303	34-00-5266 00	Arboretum at Waggener Farm	3,630.00
74561							
07/23	07/25/2023	74561	Wenk Associates, Inc.	501278	34-00-5266 00	Arboretum at Waggener Farm	7,800.00
Total 3400526600:							11,430.00
3600430600							
74440							
07/23	07/18/2023	74440	Colorado Reliable Electric	23BRD-0024	36-00-4306-00	County Open Space Revenue	1,717.40
74508							
07/23	07/31/2023	74508	Larimer County Sales Tax	JULY 2023	36-00-4306-00	County Open Space Revenue	48,712.96
Total 3600430600:							50,430.36
3600522000							
74410							
07/23	07/11/2023	74410	ECI Site Construction Man	1	36-00-5220.00	Waggener Farm Park Const	45,921.84
74568							
07/23	07/31/2023	74568	ECI Site Construction Man	2	36-00-5220.00	Waggener Farm Park Const	37,892.55
Total 3600522000:							83,814.39
3600525900							
74476							
07/23	07/13/2023	74476	Thirsty Soil Solutions	8831	36-00-5259.00	Hillsdale	2,429.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 3600525900:							2,429.00
3600526500							
74413							
07/23	07/11/2023	74413	High Altitude Equipment	753	36-00-5265.00	Jaskowski Property Maint.	235.98
74487							
07/23	07/18/2023	74487	XCEL Energy	836344722	36-00-5265.00	Jaskowski Property Maint.	46.87
Total 3600526500:							282.85
3600526600							
74470							
07/23	07/13/2023	74470	Colorado Materials Inc	146898	36-00-5266.00	Richardson Prop. Maint	556.03
Total 3600526600:							556.03
3700505702							
74414							
07/23	07/11/2023	74414	Johnston Sanitation Servic	84222	37-00-5057.02	Repair & Maintenance	1,080.00
Total 3700505702:							1,080.00
3900501302							
74554							
07/23	07/25/2023	74554	Fifty Thirty Auto Spa	736	39-00-5013.02	Vehicle Maintenance	1,100.00
Total 3900501302:							1,100.00
3900502000							
74442							
07/23	07/18/2023	74442	Felsburg Holt & Ullevig	37983	39-00-5020.00	Professional Services	1,485.52
Total 3900502000:							1,485.52
3900502201							
74401							
07/23	07/11/2023	74401	City of Fort Collins	89067	39-00-5022.01	Flex Bus Service	34,127.00
Total 3900502201:							34,127.00
3900504502							
74379							
07/23	07/05/2023	74379	NOCO Drug Testing	23-535	39-00-5045.02	Driver Drug Testing	100.00
Total 3900504502:							100.00
3900511402							
73123300							
07/23	07/31/2023	731233	WEX BANK	JULY 2023	39-00-5114.02	Gas & Oil	4,281.39
Total 3900511402:							4,281.39
4100520100							
74563							
07/23	07/25/2023	74563	All Pro Pavement Services	1114	41-00-5201.00	Bike Lane Striping	106,459.03

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 4100520100:							106,459.03
4100521100							
74244							
07/23	07/06/2023	74244	Republic Services	0642000584	41-00-5211.00	Carnival	925.00
Total 4100521100:							925.00
4100526100							
74443							
07/23	07/18/2023	74443	Jones Excavating & Plumbi	5196	41-00-5261.00	Bike Park Scope expansion	2,220.00
Total 4100526100:							2,220.00
5100503800							
74382							
07/23	07/05/2023	74382	RCD Construction	2	51-00-5038.00	Sidewalk Improvements	112,960.04
74492							
07/23	07/26/2023	74492	Ground Engineering Consu	220622 0-4	51-00-5038.00	Sidewalk Improvements	590.00
Total 5100503800:							113,550.04
5100523900							
74481							
07/23	07/18/2023	74481	All Pro Pavement Services	1062	51-00-5239.00	Street Improvements	59,425.43
74482							
07/23	07/18/2023	74482	Gopher Excavation Inc	Multiple	51-00-5239.00	Street Improvements	66,500.00
Total 5100523900:							125,925.43
5201501101							
74393							
07/23	07/10/2023	74393	Hilltop Broadband	4872=20230	52-01-5011.01	Telephone/Internet	395.58
Total 5201501101:							395.58
5201501501							
74469							
07/23	07/13/2023	74469	CIRSA	W23509	52-01-5015.01	Insurance	500.00
Total 5201501501:							500.00
5201502004							
74395							
07/23	07/10/2023	74395	Xerox Business Solutions	4512781	52-01-5020.04	Purchased Services	25.90
Total 5201502004:							25.90
5201505404							
74243							
07/23	07/06/2023	74243	Republic Services	Multiple	52-01-5054.04	Trash Service	533.52
Total 5201505404:							533.52
5201505601							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
74546							
07/23	07/19/2023	74546	Lefthand Printworks	3084	52-01-5056.01	Brochures/Advertising/Printing	38.25
Total 5201505601:							38.25
5201524701							
74404							
07/23	07/11/2023	74404	DaySmart Recreation	973485	52-01-5247.01	Computer Software	1,229.80
Total 5201524701:							1,229.80
5202510201							
74399							
07/23	07/18/2023	74399	Broken Bone Industries	06272023	52-02-5102.01	Supplies/Equipment	.00
74499							
07/23	07/18/2023	74499	Broken Bone Industries	Multiple	52-02-5102.01	Supplies/Equipment	195.92
Total 5202510201:							195.92
5203501701							
74491							
07/23	07/26/2023	74491	Extreme Care	33180	52-03-5017.01	Building Maintenance/Repair	46.58
74567							
07/23	07/31/2023	74567	CO Dept Of Labor & Emp	748842	52-03-5017.01	Building Maintenance/Repair	180.00
Total 5203501701:							226.58
5203510201							
74376							
07/23	07/05/2023	74376	Home Depot Pro	Multiple	52-03-5102.01	Supplies/Equipment	815.95
Total 5203510201:							815.95
5205506001							
74496							
07/23	07/26/2023	74496	The Aqueous Solution, Inc	INS-12803	52-05-5060.01	Chemicals	538.99
Total 5205506001:							538.99
5206502004							
74497							
07/23	07/27/2023	74497	Wellbeats	79567	52-06-5020.04	Purchased Services	249.00
Total 5206502004:							249.00
5206505701							
74457							
07/23	07/12/2023	74457	Commercial Fitness Solutio	9304	52-06-5057.01	Equipment Maintenance/Repair	267.98
Total 5206505701:							267.98
5207502004							
74439							
07/23	07/18/2023	74439	Broken Bone Industries	1735	52-07-5020.04	Purchased Services	.00
74574							
07/23	07/31/2023	74574	Tang Soo Do Concepts LL	1664	52-07-5020.04	Purchased Services	449.40

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 5207502004							449.40
Grand Totals							2,075,047.18

Town of Berthoud

Check Issue Dates July 1 - July 31, 2023

502 SECOND STREET LLC C/O RENEE	\$	81.66
AdSortium, LLC	\$	1,887.50
Aleteeby, Fahd	\$	315.00
Alfa Construction LLC	\$	11,000.00
All Pro Pavement Services	\$	59,425.43
All Pro Pavement Services	\$	106,459.03
Allstate	\$	825.33
alm2s	\$	3,650.00
American DataBank LLC	\$	246.00
American Ramp Company	\$	273,829.90
Anchor Network Solutions, Inc.	\$	6,234.40
AT&T Mobility	\$	680.87
Baseline Engineering Corp.	\$	63,136.60
Baseline Engineering Corp.	\$	3,591.50
Bell Gould Linder & Scott PC	\$	2,910.62
Bemas Construction	\$	2,415.00
Bemas Construction	\$	2,415.00
Berthoud Village Shopping Center	\$	3,860.86
Berthoud Weekly Surveyor	\$	415.07
Blackburn MFG. CO.	\$	346.92
Blue River Forestry and Tree Care	\$	7,678.00
Blue River Forestry and Tree Care	\$	10,818.50
Blue River Forestry and Tree Care	\$	5,687.00
Broken Bone Industries	\$	195.92
C&B Cleaning Services	\$	6,620.00
C&B Cleaning Services	\$	6,620.00
Cardmember Service	\$	25,467.55
Caselle Inc.	\$	1,728.00
CenturyLink	\$	405.93
CIGNA	\$	34,127.00
Cintas First Aid & Safety	\$	1,080.00
CIRSA	\$	500.00
City of Fort Collins	\$	34,127.00
City of Fort Collins	\$	1,980.00
CO Dept Of Labor & Emp	\$	180.00
Colorado Analytical Labs, Inc.	\$	3,421.21
Colorado Materials Inc	\$	556.03
Colorado Reliable Electric	\$	1,717.40
Colorado Water Systems	\$	6,655.25
Comcast	\$	1,371.77

Comcast	\$	20.60
Comcast	\$	427.10
Commercial Fitness Solutions	\$	267.98
CPRA	\$	375.00
Culligan of Cheyenne	\$	82.00
Dana Kepner	\$	5,440.00
DaySmart Recreation	\$	1,229.80
DBC Irrigation Supply	\$	767.01
DBC Irrigation Supply	\$	493.93
DeFalco Construction Company	\$	2,500.00
Denali Water Solutions	\$	2,377.24
Denali Water Solutions	\$	4,428.64
Denali Water Solutions	\$	2,034.42
Denver Lighting and DJ Service	\$	450.00
Department of the Treasury	\$	251.10
Diamond Enterprise Fencing	\$	10,825.00
Digital Print Resources Inc	\$	897.75
DIRECTIONAL TRACE LLC	\$	2,356.71
DISSCO	\$	1,833.44
Ditch Witch of the Rockies	\$	743.57
DPC Industries Inc.	\$	7,159.56
DPC Industries Inc.	\$	2,323.36
DUNRITE EXCAVATION	\$	1,000.00
ECI Site Construction Management	\$	45,921.84
ECI Site Construction Management	\$	37,892.55
Eggers Electric Inc.	\$	145.00
Employers Council Services, Inc.	\$	7,700.00
Environmental Resource Associates	\$	211.86
Extreme Care	\$	46.58
FARR, CRAIG	\$	77.11
Felsburg Holt & Ullevig	\$	1,485.52
Fifty Thirty Auto Spa	\$	1,100.00
Foley Boyz Lawn Care LLC	\$	1,500.00
Foote Law Firm	\$	5,500.00
GARCIA, DARLENE M	\$	81.74
Gopher Excavation Inc	\$	66,500.00
Ground Engineering Consultants	\$	1,495.00
Ground Engineering Consultants	\$	590.00
Guardian	\$	4,481.13
Hach Co.	\$	1,471.36
Handy Ditch Company	\$	2,103.75
Handy Ditch Company	\$	23.03
Hardy, Tim	\$	482.86
Hays Market	\$	223.52

Healthiest You	\$	728.00
High Altitude Equipment	\$	235.98
Hilltop Broadband	\$	194.70
Hilltop Broadband	\$	395.58
Hilltop Broadband	\$	261.56
HI-PHI Entertainment	\$	3,500.00
HOA Solutions	\$	570.00
Home Depot Pro	\$	815.95
HOOKS, FAITHE	\$	85.59
Johnston Sanitation Services	\$	1,080.00
Jones Excavating & Plumbing LTD	\$	2,220.00
Jones Excavating & Plumbing LTD	\$	10,150.00
Kissinger & Fellman, P. C.	\$	1,066.50
Kwik Korner	\$	4,273.00
L J R Contracting Inc.	\$	600.00
Larimer Co Sheriff's Office	\$	565,086.00
Larimer County Sales Tax	\$	48,712.96
Larimer Humane Society	\$	3,826.83
Leach, Cindy	\$	65.50
Lefthand Printworks	\$	38.25
Leonard Rice Engineers Inc	\$	10,723.28
LG Everist INC	\$	1,795.29
Little Thompson Water District	\$	32.09
Little Thompson Water District	\$	4,615.06
Little Thompson Water District	\$	153.66
Little Thompson Water District	\$	31.88
LL Johnson Distributing Compan	\$	1,200.64
Longleaf Irrigation	\$	360.00
Longmont Printing	\$	338.00
MAC Equipment INC	\$	878.07
Mainstreet Car Care & Quick Lube	\$	1,126.08
March, Olive & Sapienza, LLC	\$	1,986.96
Mountain View Commercial Clean	\$	5,015.00
Mountain View Commercial Clean	\$	624.87
Mountain View Commercial Clean	\$	350.00
Mountain View Commercial Clean	\$	3,717.20
NOCO Drug Testing	\$	100.00
Northern Colorado Sports Officials	\$	630.00
Northern Colorado Sports Officials	\$	367.50
Northern Colorado Sports Officials	\$	1,590.00
Norton & Smith, P.C.	\$	7,582.47
Office Depot	\$	353.38
Office Depot	\$	1,189.93
Office Depot	\$	103.53

Ohlson Lavoie Corporation	\$ 10,218.00
Olander Farms	\$ 3,892.68
Picture This Creative Services	\$ 300.00
Pioneer Press of Greeley	\$ 104.00
Poudre Valley REA	\$ 13,324.49
Poudre Valley REA	\$ 1,328.63
Poudre Valley REA	\$ 278.42
Poudre Valley REA	\$ 7,352.57
ProCode, Inc.	\$ 16,051.01
Professional Tree & Turf Equipment	\$ 9,672.41
Providence Infrastructure Consultants	\$ 15,761.22
Quadient Finance USA, Inc.	\$ 1,499.00
Ramey Environmental	\$ 91,056.47
Ramey Environmental	\$ 986.25
RANGEVIEW RECLAMATION	\$ 2,381.25
RCD Construction	\$ 112,960.04
Republic Services	\$ 533.52
Republic Services	\$ 925.00
Republic Services	\$ 1,037.32
Resource Central	\$ 3,376.50
Riley Equipment Company	\$ 8,622.89
Safety & Construction Supply, Inc.	\$ 2,450.00
Safety & Construction Supply, Inc.	\$ 544.00
SAUR, MICHAEL	\$ 68.89
Scheels	\$ 94.00
Scheels	\$ 4,584.41
Schra Tree Care	\$ 5,565.25
Schurr, Bohdan	\$ 174.61
Shums Coda Associates	\$ 175.00
Smart Marketing with EasyChair Media	\$ 2,195.00
SOLIS, LILIAN	\$ 86.46
Sunbelt Rentals Inc	\$ 1,714.45
Tang Soo Do Concepts LLC	\$ 449.40
TETRA TECH, INC.	\$ 18,320.00
The Aqueous Solution, Inc	\$ 538.99
Thirsty Soil Solutions	\$ 2,035.00
Thirsty Soil Solutions	\$ 2,429.00
Thirsty Soil Solutions	\$ 4,251.00
Thirsty Soil Solutions	\$ 1,825.00
Timber Line Electric & Control	\$ 1,319.00
TopShelf Printers	\$ 383.16
Town of Johnstown	\$ 8,164.10
Turf Tank	\$ 1,999.00
Uline	\$ 1,424.12

Uline	\$	701.77
UMB BANK	\$	250.00
UNCC	\$	1,688.61
University Auto Parts-NAPA	\$	213.58
USA Bluebook	\$	1,152.82
USPS-Berthoud	\$	2,341.75
VANVALKENBURG, CHARLES & OSTM	\$	197.18
Vazquez, Ashley	\$	151.60
Vector Disease Control International	\$	5,527.83
Visger, Dawson	\$	308.34
Voice Exchange (Paragon Comm)	\$	38.00
Vranesh & Raisch	\$	25,057.63
Wellbeats	\$	249.00
Wenk Associates, Inc.	\$	3,630.00
Wenk Associates, Inc.	\$	7,800.00
WEX BANK	\$	4,281.39
White Paper BBQ	\$	500.00
White Paper BBQ	\$	3,000.00
XCEL Energy	\$	8,886.59
XCEL Energy	\$	13,092.73
XCEL Energy	\$	57.08
XCEL Energy	\$	46.87
Xerox Business Solutions Southwest	\$	2,145.40
Xerox Business Solutions Southwest	\$	25.90
Zambelli Fireworks	\$	20,500.00
Grand Totals:	\$	2,075,047.18

July 2023

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

	<u>GENERAL FUND</u>				<u>PERCENTAGE</u>
	<u>REVENUE</u>				<u>YTD ACTUAL vs</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TAXES	\$ 1,181,778.24	\$ 5,067,312.06	\$ 4,366,600.00	\$ 7,485,600.00	116.0%
LICENSES & PERMITS	\$ 11,751.05	\$ 151,117.65	\$ 142,333.33	\$ 244,000.00	106.2%
INTERGOVERNMENTAL REVENUE	\$ 54,744.92	\$ 290,272.93	\$ 228,132.33	\$ 391,084.00	127.2%
FINES	\$ 3,305.00	\$ 15,102.00	\$ 9,041.67	\$ 15,500.00	167.0%
MISCELLANEOUS	\$ 308,985.75	\$ 1,649,404.41	\$ 914,666.67	\$ 1,568,000.00	180.3%
TRANSFERS	\$ 30,640.96	\$ 208,153.15	\$ 207,849.25	\$ 356,313.00	100.1%
PROPERTY SALES & DONATIONS & INS CLAIM	\$ -	\$ -	\$ -	\$ -	0.0%
RECREATION	\$ 24,684.00	\$ 121,021.35	\$ 90,915.42	\$ 155,855.00	133.1%
PARKS	\$ 858.00	\$ 7,456.00	\$ 4,491.67	\$ 7,700.00	166.0%
LEASE REVENUE	\$ 8,647.30	\$ 59,399.94	\$ 52,797.50	\$ 90,510.00	112.5%
TOTAL REVENUE GENERAL FUND	\$ 1,625,395.22	\$ 7,569,239.49	\$ 6,016,827.83	\$ 10,314,562.00	125.8%

<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	\$ 104,997.38	\$ 784,724.73	\$ 850,301.08	\$ 1,457,659.00	92.3%
GENERAL OFFICE OTHER	\$ 36,402.11	\$ 432,749.14	\$ 385,790.42	\$ 661,355.00	112.2%
ELECTIONS	\$ 758.00	\$ 778.00	\$ 3,500.00	\$ 6,000.00	0.0%
MUNICIPAL COURT	\$ 4,050.42	\$ 24,998.38	\$ 25,550.00	\$ 43,800.00	97.8%
BOARD & BOARD MEETINGS	\$ 3,245.94	\$ 55,789.64	\$ 37,391.67	\$ 64,100.00	149.2%
FINANCE	\$ 10.00	\$ 9,168.48	\$ 11,666.67	\$ 20,000.00	78.6%
BUILDING MAINTENANCE	\$ 1,910.12	\$ 27,776.76	\$ 61,833.33	\$ 106,000.00	44.9%
COMMUNITY SUPPORT	\$ 24,000.00	\$ 67,431.14	\$ 4,083.33	\$ 7,000.00	1651.4%
NON-ENTITLEMENT FUNDS	\$ -	\$ -	\$ -	\$ -	0.0%
TRANSFERS	\$ 1,666.67	\$ 11,666.69	\$ 11,666.67	\$ 20,000.00	100.0%
TOTAL ADMIN EXPENDITURES	\$ 177,040.64	\$ 1,415,082.96	\$ 1,391,783.17	\$ 2,385,914.00	101.7%
<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)	\$ 4,283.42	\$ 34,650.85	\$ 50,526.00	\$ 86,616.00	68.6%
TELEPHONE/OFFICE SUPPLIES/ADMIN	\$ -	\$ 276.55	\$ 4,375.00	\$ 7,500.00	6.3%
ANIMAL CONTROL	\$ 3,826.83	\$ 26,787.81	\$ 26,833.33	\$ 46,000.00	99.8%
TRAFFIC CONTROL/PEDESTRIAN SAFETY	\$ -	\$ -	\$ 583.33	\$ 1,000.00	0.0%
DRUG EDUCATION	\$ -	\$ -	\$ 9,916.67	\$ 17,000.00	0.0%
LARIMER COUNTY SHERIFF	\$ -	\$ 1,130,172.00	\$ 1,321,250.00	\$ 2,265,000.00	85.5%
TOTAL PUBLIC SAFETY EXPENDITURES	\$ 8,110.25	\$ 1,191,887.21	\$ 1,413,484.33	\$ 2,423,116.00	84.3%
<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	\$ 33,422.52	\$ 227,119.43	\$ 292,113.50	\$ 500,766.00	77.8%
ADMINISTRATION OTHER	\$ 78.94	\$ 13,107.92	\$ 28,000.00	\$ 48,000.00	46.8%
STREET REPAIR/MAINTENANCE	\$ 14,863.45	\$ 127,347.65	\$ 151,375.00	\$ 259,500.00	84.1%
WEED CONTROL	\$ 1,615.50	\$ 9,717.92	\$ 1,750.00	\$ 3,000.00	555.3%
SIGNAGE	\$ 6,474.64	\$ 18,623.33	\$ 23,333.33	\$ 40,000.00	79.8%
SNOW REMOVAL	\$ -	\$ 37,044.00	\$ 67,083.33	\$ 115,000.00	55.2%
SHOP & VEHICLE MAINTENANCE	\$ 2,339.45	\$ 51,902.43	\$ 88,666.67	\$ 152,000.00	58.5%
TOTAL STREETS EXPENDITURES	\$ 58,794.50	\$ 484,862.68	\$ 652,321.83	\$ 1,118,266.00	74.3%

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

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2023 BUDGET	YTD BUDGET
ADMIN SALARIES/TAXES/BENEFITS	\$ 23,473.97	\$ 183,662.20	\$ 202,433.58	\$ 347,029.00	90.7%
ADMINISTRATION (SUPPLIES, CONCESSIONS)	\$ 3,701.35	\$ 20,305.88	\$ 40,880.00	\$ 70,080.00	49.7%
FLAG FOOTBALL	\$ -	\$ 2,320.33	\$ 7,320.83	\$ 12,550.00	31.7%
TRACK	\$ 1,862.09	\$ 3,739.10	\$ 2,805.83	\$ 4,810.00	133.3%
TENNIS	\$ 1,701.33	\$ 3,711.52	\$ 5,005.00	\$ 8,580.00	74.2%
ADULT SOFTBALL	\$ -	\$ -	\$ 2,998.33	\$ 5,140.00	0.0%
YOUTH BASEBALL	\$ 7,953.61	\$ 16,484.54	\$ 10,325.00	\$ 17,700.00	159.7%
YOUTH SOFTBALL	\$ 232.41	\$ 3,257.45	\$ 6,217.17	\$ 10,658.00	52.4%
ADULT KICKBALL	\$ -	\$ 1,020.71	\$ 2,228.33	\$ 3,820.00	45.8%
SOCCER	\$ -	\$ 6,348.02	\$ 12,576.67	\$ 21,560.00	50.5%
CAMPS/TOURNAMENTS	\$ 2,005.61	\$ 3,608.79	\$ 3,675.00	\$ 6,300.00	98.2%
ADDITIONAL PROGRAMS	\$ -	\$ -	\$ 4,217.50	\$ 7,230.00	0.0%
TOTAL RECREATION EXPENDITURES	\$ 40,930.37	\$ 244,458.54	\$ 300,683.25	\$ 515,457.00	81.3%

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

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2023 BUDGET	YTD BUDGET
SALARIES/TAXES/BENEFITS	\$ 47,230.69	\$ 238,240.31	\$ 364,651.58	\$ 625,117.00	65.3%
ADMINISTRATION OTHER	\$ 1,142.51	\$ 9,772.40	\$ 21,904.17	\$ 37,550.00	44.6%
INSECT CONTROL	\$ 5,527.83	\$ 22,111.32	\$ 26,250.00	\$ 45,000.00	84.2%
FACILITIES MAINTENANCE	\$ 2,001.27	\$ 34,582.02	\$ 30,625.00	\$ 52,500.00	112.9%
TURF/BALLFIELDS	\$ 10,797.06	\$ 43,617.15	\$ 50,750.00	\$ 87,000.00	85.9%
GENERAL PARKS	\$ 12,774.49	\$ 52,799.64	\$ 50,458.33	\$ 86,500.00	104.6%
FLEET MAINTENANCE	\$ 3,109.95	\$ 12,505.80	\$ 13,416.67	\$ 23,000.00	93.2%
SEASONAL DECORATIONS/BANNERS	\$ -	\$ 1,951.70	\$ 12,833.33	\$ 22,000.00	15.2%
TRANSFER TO FORESTRY	\$ 41,666.67	\$ 291,666.69	\$ 291,666.67	\$ 500,000.00	100.0%
TOTAL PARKS EXPENDITURES	\$ 124,250.47	\$ 707,247.03	\$ 862,555.75	\$ 1,478,667.00	82.0%

ECONOMIC DEVELOPMENT

EXPENDITURES						<u>PERCENTAGE</u>
						<u>YTD ACTUAL vs</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	\$ 11,377.63	\$ 84,824.56	\$ 90,221.83	\$ 154,666.00		94.0%
ADMINISTRATION OTHER	\$ 160.77	\$ 3,576.01	\$ 5,710.83	\$ 9,790.00		62.6%
BUSINESS DEVELOPMENT/MARKETING	\$ 1,541.51	\$ 41,084.63	\$ 56,414.17	\$ 96,710.00		72.8%
GRANTS - MARKET STUDY & FAÇADE/SIGN	\$ -	\$ -	\$ 29,166.67	\$ 50,000.00		0.0%
TOTAL ECONOMIC DEV EXPENDITURES	\$ 13,079.91	\$ 129,485.20	\$ 181,513.50	\$ 311,166.00		71.3%

BUILDING DEPARTMENT

EXPENDITURES						<u>PERCENTAGE</u>
						<u>YTD ACTUAL vs</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	\$ 11,048.35	\$ 106,936.42	\$ 129,053.17	\$ 221,234.00		82.9%
ADMINISTRATION OTHER	\$ 211.63	\$ 2,048.64	\$ 7,428.75	\$ 12,735.00		27.6%
INSPECTIONS	\$ 54,199.28	\$ 272,693.27	\$ 308,000.00	\$ 528,000.00		88.5%
TOTAL BUILDING DEPARMENT EXPENDITURES	\$ 65,459.26	\$ 381,678.33	\$ 444,481.92	\$ 761,969.00		85.9%

PLANNING DEPARTMENT

EXPENDITURES						<u>PERCENTAGE</u>
						<u>YTD ACTUAL vs</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	\$ 19,927.94	\$ 84,478.81	\$ 156,268.00	\$ 267,888.00		54.1%
ADMINISTRATION OTHER	\$ 902.08	\$ 8,608.13	\$ 12,302.50	\$ 21,090.00		70.0%
COMMISSION SUPPORT	\$ -	\$ 840.49	\$ 6,708.33	\$ 11,500.00		12.5%
DEVELOPMENT REVIEW	\$ 35,517.64	\$ 91,244.49	\$ 116,666.67	\$ 200,000.00		0.0%
COMPREHENSIVE PLANNING	\$ 2,382.21	\$ 58,923.06	\$ 112,583.33	\$ 193,000.00		52.3%
TOTAL PLANNING DEPARTMENT EXPENDITURES	\$ 58,729.87	\$ 244,094.98	\$ 404,528.83	\$ 693,478.00		60.3%

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	\$ 5,936.15	\$ 43,306.23	\$ 37,129.75	\$ 63,651.00	116.6%
ADMINISTRATION OTHER	\$ -	\$ 2,538.68	\$ 2,592.92	\$ 4,445.00	97.9%
COMMUNITY SUPPORT	\$ 4,302.27	\$ 7,397.02	\$ 22,108.33	\$ 37,900.00	33.5%
TOTAL ECONOMIC DEV EXPENDITURES	\$ 10,238.42	\$ 53,241.93	\$ 61,831.00	\$ 105,996.00	86.1%

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	\$ -	\$ -	\$ 16,333.33	\$ 28,000.00	0.0%
BUILDING MAINTENANCE	\$ 865.37	\$ 7,523.32	\$ 4,141.67	\$ 7,100.00	181.6%
BUILDING REPAIRS	\$ -	\$ 485.00	\$ -	\$ -	0.0%
HOA FEES	\$ 3,860.86	\$ 27,026.02	\$ 28,000.00	\$ 48,000.00	96.5%
PURCHASE/DEVELOPMENT EXPENSE	\$ -	\$ -	\$ -	\$ -	0.0%
ADMINISTRATION FEES	\$ -	\$ -	\$ -	\$ -	0.0%
TOTAL MOUNTAIN AVE EXPENDITURES	\$ 4,726.23	\$ 35,034.34	\$ 48,475.00	\$ 83,100.00	72.3%

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	\$ 218,741.80	\$ 802,563.96	\$ 5,647,118.75	\$ 9,680,775.00	14.2%
REMOVE OLD POOL	\$ -	\$ 375.00	\$ -	\$ -	0.0%
TOTAL CONTRIBUTION EXPENDITURES	\$ -	\$ 38,544.64	\$ 78,983.31	\$ 135,400.00	48.8%

TOTAL EXPENDITURES GENERAL FUND	\$ 780,101.72	\$ 5,728,556.80	\$ 11,487,760.64	\$ 19,693,304.00
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TOTAL REVENUE OVER EXPENDITURES	\$ 845,293.50	\$ 1,840,682.69	\$ (5,470,932.81)	\$ (9,378,742.00)
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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	\$ 173,356.38	\$ 2,531,138.04	\$ 1,221,208.31	\$ 2,093,500.00	207.3%
TOTAL SOURCE OF SUPPLY EXPENDITURES	\$ 76,714.80	\$ 3,970,295.31	\$ 17,540,512.50	\$ 30,069,450.00	22.6%
NET REVENUE OVER EXPENDITURES	\$ 96,641.58	\$ (1,439,157.27)	\$ (16,319,304.19)	\$ (27,975,950.00)	

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	\$ 332,520.91	\$ 1,762,981.74	\$ 1,716,166.69	\$ 2,942,000.00	102.7%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 34,449.82	\$ 238,290.66	\$ 438,760.58	\$ 752,161.00	54.3%
ADMINISTRATION OTHER	\$ 4,079.28	\$ 389,267.19	\$ 280,466.67	\$ 480,800.00	138.8%
DISTRIBUTION	\$ 15,834.76	\$ 109,044.53	\$ 295,516.67	\$ 506,600.00	36.9%
TREATMENT	\$ 126,733.55	\$ 307,794.23	\$ 410,083.33	\$ 703,000.00	75.1%
PROFESSIONAL SERVICES	\$ 40.00	\$ 234,837.39	\$ 347,083.33	\$ 595,000.00	67.7%
UTILITY BILLING	\$ 1,288.46	\$ 5,765.22	\$ 7,700.00	\$ 13,200.00	74.9%
IMPROVEMENTS	\$ 6,000.00	\$ 87,398.50	\$ 787,500.00	\$ 1,350,000.00	11.1%
TRANSFER	\$ 18,375.00	\$ 128,625.00	\$ 384,932.33	\$ 659,884.00	33.4%
TOTAL WATER OPERATING EXPENDITURES	\$ 206,800.87	\$ 1,501,022.72	\$ 2,952,042.92	\$ 5,060,645.00	50.8%
NET REVENUE OVER EXPENDITURES	\$ 125,720.04	\$ 261,959.02	\$ (1,235,876.23)	\$ (2,118,645.00)	

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	\$ 273,282.19	\$ 1,063,126.65	\$ 1,078,813.19	\$ 1,849,394.00	98.5%
TOTAL WATER PLANT CAPITAL EXPENDITURES	\$ -	\$ 212,901.88	\$ 364,618.31	\$ 625,060.00	58.4%
NET REVENUE OVER EXPENDITURES	\$ 273,282.19	\$ 850,224.77	\$ 714,194.88	\$ 1,224,334.00	

TOTAL WATER FUND REVENUE	\$ 779,159.48	\$ 5,357,246.43	\$ 4,016,188.19	\$ 6,884,894.00	133.4%
TOTAL WATER FUND EXPENDITURES	\$ 283,515.67	\$ 5,684,219.91	\$ 20,857,173.73	\$ 35,755,155.00	27.3%
NET REVENUE OVER EXPENDITURES	\$ 495,643.81	\$ (326,973.48)	\$ (16,840,985.54)	\$ (28,870,261.00)	

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	\$ 326,057.47	\$ 2,225,889.68	\$ 1,767,791.69	\$ 3,030,500.00	125.9%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 9,862.75	\$ 75,480.86	\$ 100,301.25	\$ 171,945.00	75.3%
ADMINISTRATION OTHER	\$ 12,403.89	\$ 148,249.32	\$ 108,517.50	\$ 186,030.00	136.6%
MAIN WASTEWATER TREATMENT PLANT	\$ 26,000.85	\$ 245,482.60	\$ 318,354.17	\$ 545,750.00	77.1%
REGIONAL I-25 TREATMENT PLAN	\$ 4,878.37	\$ 12,787.28	\$ 50,312.50	\$ 86,250.00	25.4%
COLLECTION SYSTEM	\$ 8,340.61	\$ 38,551.58	\$ 118,125.00	\$ 202,500.00	32.6%
PROFESSIONAL SERVICES	\$ 28,742.75	\$ 336,924.21	\$ 379,750.00	\$ 651,000.00	88.7%
UTILITY BILLING	\$ 1,288.46	\$ 5,581.22	\$ 7,700.00	\$ 13,200.00	72.5%
TRANSFER	\$ 8,750.00	\$ 61,250.00	\$ 61,250.00	\$ 105,000.00	100.0%
IMPROVEMENTS	\$ -	\$ 15,240.00	\$ 994,583.33	\$ 1,705,000.00	1.5%
BOND	\$ -	\$ 96,731.99	\$ 529,870.83	\$ 908,350.00	18.3%
TOTAL WASTEWATER EXPENDITURES	\$ 100,267.68	\$ 1,036,279.06	\$ 2,668,764.58	\$ 4,575,025.00	38.8%
NET REVENUE OVER EXPENDITURES	\$ 225,789.79	\$ 1,189,610.62	\$ (900,972.89)	\$ (1,544,525.00)	

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	\$ 234,326.69	\$ 1,121,893.25	\$ 875,005.83	\$ 1,500,010.00	128.2%
TOTAL WASTEWATER CAPITAL EXPENDITURES	\$ 73,072.17	\$ 322,495.70	\$ 1,974,618.33	\$ 3,385,060.00	16.3%
NET REVENUE OVER EXPENDITURES	\$ 161,254.52	\$ 799,397.55	\$ (1,099,612.50)	\$ (1,885,050.00)	
TOTAL WASTEWATER FUND REVENUE	\$ 560,384.16	\$ 3,347,782.93	\$ 2,642,797.52	\$ 4,530,510.00	126.7%
TOTAL WASTEWATER FUND EXPENDITURES	\$ 173,339.85	\$ 1,358,774.76	\$ 4,643,382.91	\$ 7,960,085.00	29.3%
TOTAL REVENUE OVER EXPENDITURES	\$ 387,044.31	\$ 1,989,008.17	\$ (2,000,585.39)	\$ (3,429,575.00)	

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	\$ 62,743.63	\$ 427,001.05	\$ 280,583.33	\$ 481,000.00	152.2%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ -	\$ 861.22	\$ -	\$ -	#DIV/0!
ADMINISTRATION OTHER	\$ 875.00	\$ 6,125.00	\$ 13,597.50	\$ 23,310.00	45.0%
STREET CLEANING	\$ 2,359.87	\$ 48,852.88	\$ 55,416.67	\$ 95,000.00	88.2%
PROFESSIONAL SERVICES	\$ -	\$ 3,557.50	\$ 46,666.67	\$ 80,000.00	7.6%
IMPROVEMENTS	\$ -	\$ -	\$ -	\$ -	#DIV/0!
TOTAL STORM WATER EXPENDITURES	\$ 3,234.87	\$ 59,396.60	\$ 115,680.83	\$ 198,310.00	51.3%
NET REVENUE OVER EXPENDITURES	\$ 59,508.76	\$ 367,604.45	\$ 164,902.50	\$ 282,690.00	

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	\$ 62,879.62	\$ 295,378.48	\$ 178,850.00	\$ 306,600.00	165.2%
TOTAL STORM WATER CAPITAL EXPENDITURES	\$ -	\$ -	\$ 291,701.67	\$ 500,060.00	0.0%
NET REVENUE OVER EXPENDITURES	\$ 62,879.62	\$ 295,378.48	\$ (112,851.67)	\$ (193,460.00)	
TOTAL STORM WATER FUND REVENUE	\$ 125,623.25	\$ 722,379.53	\$ 459,433.33	\$ 787,600.00	157.2%
TOTAL STORM WATER FUND EXPENDITURES	\$ 3,234.87	\$ 59,396.60	\$ 407,382.50	\$ 698,370.00	14.6%
TOTAL REVENUE OVER EXPENDITURES	\$ 122,388.38	\$ 662,982.93	\$ 52,050.83	\$ 89,230.00	

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	\$ 118,215.34	\$	416,326.35	\$	384,066.67	\$	658,400.00		108.4%
TOTAL PARK DEVELOPMENT EXPENDITURES	\$ 134,635.89	\$	1,987,593.31	\$	1,242,535.00	\$	2,130,060.00		160.0%
NET REVENUE OVER EXPENDITURES	\$ (16,420.55)	\$	(1,571,266.96)	\$	(858,468.33)	\$	(1,471,660.00)		

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	\$ 31,594.82	\$	110,101.63	\$	116,666.67	\$	200,000.00		94.4%
TOTAL PARK DEDICATION EXPENDITURES	\$ -	\$	(1,323.75)	\$	87,535.00	\$	150,060.00		-1.5%
NET REVENUE OVER EXPENDITURES	\$ 31,594.82	\$	111,425.38	\$	29,131.67	\$	49,940.00		

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	\$ 36,488.94	\$	362,621.97	\$	269,616.67	\$	462,200.00		134.5%
TOTAL PUBLIC FACILITIES EXPENDITURES	\$ 2,626.46	\$	6,276.46	\$	204,201.67	\$	350,060.00		3.1%
NET REVENUE OVER EXPENDITURES	\$ 33,862.48	\$	356,345.51	\$	65,415.00	\$	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	\$ 43,503.55	\$ 384,681.06	\$ 344,458.33	\$ 590,500.00	111.7%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 21,971.86	\$ 163,250.92	\$ 194,225.50	\$ 332,958.00	84.1%
ADMINISTRATION OTHER	\$ 1,612.73	\$ 15,790.89	\$ 15,055.83	\$ 25,810.00	104.9%
PARK MAINTENANCE & IMPROVEMENTS	\$ 8,374.00	\$ 26,256.33	\$ 51,916.67	\$ 89,000.00	50.6%
TREE MAINTENANCE	\$ 28,525.38	\$ 70,006.23	\$ 40,541.67	\$ 69,500.00	172.7%
EAB RESPONSE	\$ -	\$ -	\$ 26,250.00	\$ 45,000.00	0.0%
TOTAL CONSERVATION TRUST EXPENDITURES	\$ 60,483.97	\$ 275,304.37	\$ 327,989.67	\$ 562,268.00	83.9%
NET REVENUE OVER EXPENDITURES	\$ (16,980.42)	\$ 109,376.69	\$ 16,468.66	\$ 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	\$ 40,219.95	\$ 284,646.20	\$ 305,083.33	\$ 523,000.00	93.3%
TOTAL LARIMER COUNTY EXPENDITURES	\$ 46,179.36	\$ 363,855.42	\$ 945,035.00	\$ 1,620,060.00	38.5%
NET REVENUE OVER EXPENDITURES	\$ (5,959.41)	\$ (79,209.22)	\$ (639,951.67)	\$ (1,097,060.00)	

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	\$ 4,827.94	\$ 52,084.45	\$ 41,125.00	\$ 70,500.00	126.6%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 3,387.68	\$ 26,555.65	\$ 37,678.67	\$ 64,592.00	70.5%
FUNERALS	\$ -	\$ 930.00	\$ 1,750.00	\$ 3,000.00	0.0%
MAINTENANCE	\$ 6,853.43	\$ 16,902.33	\$ 16,105.83	\$ 27,610.00	104.9%
IMPROVEMENTS	\$ -	\$ 972.00	\$ 20,416.67	\$ 35,000.00	0.0%
TOTAL CEMETERY ENDOWMENT EXPENDITURES	\$ 10,241.11	\$ 45,359.98	\$ 75,951.17	\$ 130,202.00	59.7%
NET REVENUE OVER EXPENDITURES	\$ (5,413.17)	\$ 6,724.47	\$ (34,826.17)	\$ (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	\$ 7,720.91	\$ 62,889.70	\$ 43,458.33	\$ 74,500.00	144.7%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 6,694.96	\$ 54,796.45	\$ 59,400.83	\$ 101,830.00	92.2%
ADMINISTRATION OTHER	\$ -	\$ 709.99	\$ 2,948.75	\$ 5,055.00	24.1%
DRIVING	\$ 1,788.62	\$ 15,417.42	\$ 17,325.00	\$ 29,700.00	89.0%
SERVICES	\$ -	\$ 80,685.02	\$ 61,833.33	\$ 106,000.00	130.5%
TOTAL BATS EXPENDITURES	\$ 8,483.58	\$ 151,608.88	\$ 141,507.92	\$ 242,585.00	107.1%
NET REVENUE OVER EXPENDITURES	\$ (762.67)	\$ (88,719.18)	\$ (98,049.59)	\$ (168,085.00)	
<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	\$ 110,811.64	\$ 888,639.67	\$ 399,641.67	\$ 685,100.00	222.4%
TOTAL ROAD IMPACT EXPENDITURES	\$ 2,640.96	\$ 233,323.10	\$ 367,717.58	\$ 630,373.00	63.5%
NET REVENUE OVER EXPENDITURES	\$ 108,170.68	\$ 655,316.57	\$ 31,924.09	\$ 54,727.00	
<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	\$ 67,873.03	\$ 373,872.43	\$ 234,500.00	\$ 402,000.00	159.4%
TOTAL RECREATIONAL MMJ EXPENDITURES	\$ (188,255.88)	\$ 111,916.49	\$ 740,868.33	\$ 1,270,060.00	15.1%
NET REVENUE OVER EXPENDITURES	\$ 256,128.91	\$ 261,955.94	\$ (506,368.33)	\$ (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	\$ 304,568.46	\$ 1,428,490.67	\$ 1,298,354.17	\$ 2,225,750.00	110.0%
TOTAL 1998 1% EXPENDITURES	\$ 524,171.11	\$ 1,129,654.57	\$ 2,753,368.33	\$ 4,720,060.00	41.0%
NET REVENUE OVER EXPENDITURES	\$ (219,602.65)	\$ 298,836.10	\$ (1,455,014.16)	\$ (2,494,310.00)	
<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	\$ 138,601.35	\$ 939,356.77	\$ 712,687.50	\$ 1,221,750.00	131.8%
SALES TAX REVENUE/INTEREST	\$ 316,129.90	\$ 1,522,897.42	\$ 1,294,854.17	\$ 2,219,750.00	117.6%
TOTAL 2019 1% REVENUE	\$ 454,731.25	\$ 2,462,254.19	\$ 2,007,541.67	\$ 3,441,500.00	122.7%
RECREATION CENTER OPERATING EXPENSES	\$ 141,698.03	\$ 1,023,834.10	\$ 1,216,008.50	\$ 2,084,586.00	84.2%
COP PAYMENT AND OTHER EXPENSES	\$ -	\$ 391,221.69	\$ 2,411,500.00	\$ 4,134,000.00	16.2%
TOTAL 2019 1% EXPENDITURES	\$ 141,698.03	\$ 1,415,055.79	\$ 3,627,508.50	\$ 6,218,586.00	39.0%
NET REVENUE OVER EXPENDITURES	\$ 313,033.22	\$ 1,047,198.40	\$ (1,619,966.83)	\$ (2,777,086.00)	
TOTAL SPECIAL FUNDS REVENUE	\$ 1,220,555.83	\$ 6,826,608.32	\$ 5,444,512.51	\$ 9,333,450.00	
TOTAL SPECIAL FUNDS EXPENDITURES	\$ 742,904.59	\$ 5,718,624.62	\$ 10,514,218.16	\$ 18,024,374.00	
TOTAL REVENUE OVER EXPENDITURES	\$ 477,651.24	\$ 1,107,983.70	\$ (5,069,705.65)	\$ (8,690,924.00)	

TOTAL REVENUE	\$ 4,311,117.94	\$ 23,823,256.70	\$ 18,579,759.38	\$ 31,851,016.00	
TOTAL EXPENDITURES	\$ 1,983,096.70	\$ 18,549,572.69	\$ 47,909,917.95	\$ 82,131,288.00	

Berthoud Board Update

September 2023



FORESTRY & OPEN SPACE

Submitted By Paul Furnas, Town Forester

The primary objectives for the Forestry and Open Space departments for the month of August were site maintenance, and preparations for the new Berthoud Bike Park opening. Ongoing summer maintenance projects include mowing open spaces, trimming and pulling weeds, irrigation checks, street tree pruning, and watering trees. The Open Space department is working on understanding the unique maintenance requirements of the new Berthoud Bike Park. The Forestry Department worked on chipping old stumps at the cemetery and keeping up on watering our newly planted ornamental beds and young trees around Town. Both departments came together to remove invasive species at a Town-owned conservation easement at Heron Lakes.



Starting at the first of the month the town was hit with an intense thunderstorm that saw widespread damage of trees, with a few mature trees coming down. Forestry, Open Space, and Parks staff responded quickly the day after the storm to clean up broken branches in the parks. The Forestry Department responded to an Ash tree just north of Fickel Park that came down across 7th Street the night of the storm. With help from the Streets Department, the tree was able to be cleared and the normal flow of traffic was restored to old town.



Forestry staff is still working to keep Berthoud beautiful by pruning up town trees to code for clearance above the roads and sidewalks.

PLANNING & DEVELOPMENT

Submitted By Anne Johnson, Planning Director

Building Division activities in August – Permit Applications



29 new Single Family home permits
122 New Single Family homes in 2023 to date compared with
223 in total for 2022



13 new Commercial
46 new Commercial in 2023 to date compared with
58 total in total for 2022



56 Other permits (Roofing, HVAC, Basement, etc.)
310 in 2023 to date compared with 525 in total for 2022



RECREATION DEPARTMENT

Submitted By Amanda Gustafson, Director of Recreation | Cultural Services

The operations team focused on promoting fall programs through all its marketing outlets and utilizing the community calendar on Berthoud.org.

They facilitated our annual shutdown and deep cleaned the pool and patio floor, child watch, fitness room, and equipment, replaced broken gym lights, and power washed outside of the facility. In the month of August, Operations sold 85 new memberships, saw 3,999 drop-in daily admission customers, 4,691 member check-ins, and completed 14 rentals, including outdoor parks and fields.



The Forever Fit class is still a hit and with the week of Chilson members being able to visit, we have received so many compliments on our facility and this class. Our numbers for Forever Fit the week of Aug 28- Sept 1 in that class have skyrocketed with 55+ attendees each class.



PARKS & CEMETERY

Submitted By Sami Kouns, Parks Supervisor

The month of August was full of continued maintenance for the Town of Berthoud parks and Greenlawn Cemetery as well as work that is on our ongoing list of projects. Mowing and irrigation repairs are two of the consistent jobs that the Parks Department and Cemetery are doing on a weekly basis. Adding crusher fines and rocks to a different areas around town is something that we have been planning to do for some time, but we were finally able to address this month. The cemetery had a similar situation in that the gravel car paths were edged to increase the width and clean up the grass line. Low areas and high areas were leveled and then sodded to add to the overall aesthetic of the parks and cemetery here in the Town of Berthoud. August was a productive month for both the Parks Department and the Greenlawn Cemetery.

August featured two burials at the Greenlawn Cemetery accompanied by the general maintenance of mowing and leveling low and high areas throughout the grass areas. Edging of the gravel car paths has also begun.



Grave preparation is a team effort between the Cemetery, Park, and Streets departments.



During August, we kept the Town parks looking great, and a couple of extensive irrigation repairs were addressed.



STREETS

Submitted By Brandon Keegan, Streets Supervisor

During the month of August, the Streets Department focused on street sweeping, roadside mowing, and curb painting. In addition, we spent a significant amount of time repairing erosion problems on the roads due to heavy rainfall. The excessive rain also caused several trees to fall in Old town.



Fickel Park- Streets crew helped install the sculpture at Fickel Park. Battleborn by Jordan Marsh



7th Street and Massachusetts- The streets crew was called in the help with downed trees from the recent storm



County Road 10E- Gopher excavated the site of the sinkhole and determined that it was caused by water infiltration and poor subgrade compaction in the past.

Bike park- Streets crew trenched ditches for the installation of electrical lines



WATER

Submitted By Marie Mitchell, Administrative Tech Water

Meeting challenges is all in a day's work for the Water Utilities Department.

Water System Operators ensure water is delivered to the customers' taps when needed, and that the drinking water delivery system meets Colorado State Drinking Water Standards. This includes the maintenance and or repair of approximately 86 miles of water lines and 5274 metered services, mainline installation and repair, meter reading and repairs, management of 670 fire hydrants, valve exercising of water valves, and emergency response. Staff installs approximately 200 new water services and replaces or repairs approximately 60 services annually.



The team also regularly provides timely response service calls for contractors and developers. Operators facilitated the shutdown of a section of the Town's 16" AC transmission line for improvements. While water service was established for a new day care center, The Learning Experience, the team coordinated with the building contractor to tie-in and modify the water main.

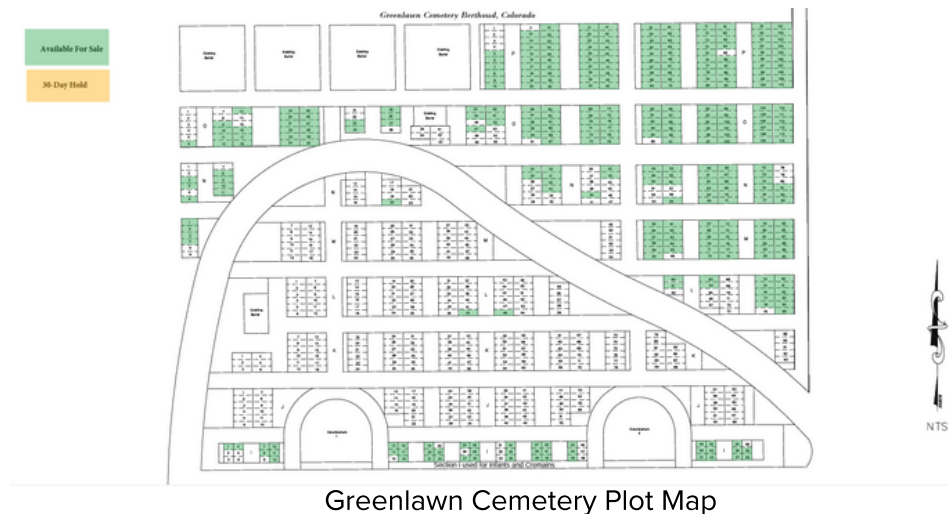


ADMINISTRATION & CEMETERY

Submitted by Christian Samora, Town Clerk



The Town Clerk's Office has recently completed work to refresh the Greenlawn Cemetery webpage. The webpage now includes up-to-date plot availability, easy to understand pricing for plots and interment, and additional information/FAQs available at a glance. The Town will now be ordering columbarium niche plaques in-house. This will help simplify the interment process and help lower costs for families in most cases. A columbarium is an above-ground memorial that can accommodate the interment of up to two cremated remains urns inside each niche.



Greenlawn Cemetery Plot Map

This summer has brought a number of staff changes to the Town Clerk's Office. Lexi Weissman has stepped into the role of Deputy Town Clerk and is quickly getting up to speed on the roles and responsibilities.

Wende Moore has transitioned into the Lead Administrative Technician role, with Hayes Reed recently starting work as the Administrative Technician.

The Administrative Technicians are often the first point of contact that citizens have when connecting with their local government. We are here to help!



Hayes Reed





August 23, 2023

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

Dear Mr. Samora:

On August 9, 2023 the Berthoud Community Library District Board of Trustees selected Bob Latchaw to fill a four-year library trustee term, 1/1/2024 – 12/31/2027.

Please consider Mr. Latchaw for formal appointment to the Berthoud Community Library District Board of Trustees. This will be Mr. Latchaw's second term as a trustee. His original application is attached.

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

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amie Pilla".

Amie Pilla
Library CEO

Enclosure



Berthoud

COMMUNITY LIBRARY
DISTRICT

Board of Trustees Member Application

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

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

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

Date Nov. 3, 2020

Name BOB LATCHAW

Email: blatchaw@gmail.com Phone 720-771-7167

Address 141 Common DR.

How long have you lived in this area? 15 years

Occupation retired school teacher

Employer St. Vrain Valley Schools Title teacher

❖ Term being applied for is January 2021 – December 2024

❖ The Berthoud Community Library District (BCLD) Board of Trustees normally meets on the 2nd Wednesday of each month at 7:00 pm. Are you able to meet at that time? ☒ yes ☐ no

❖ The term for this appointment is four years. Are you able to commit to serving this term? ☒ yes ☐ no

❖ Are you a library cardholder? ☒ yes ☐ no

❖ How did you learn of this Library Board of Trustees opening? library email.

Why do you want to become a member of the BCLD Board of Trustees?

I WOULD LIKE TO FEEL THAT I SPEND TIME
MAKING A DIFFERENCE TO THE TOWN OF BERTHOUD

I HAVE ALWAYS LOVED PUBLIC LIBRARIES, SINCE I WAS
A SMALL CHILD!

What strengths would you bring to the Board of Trustees?

YEARS OF WORKING WITH YOUNG PEOPLE IN A SCHOOL SETTING.
THE ABILITY TO HELP FIND CONSENSUS OR COMPROMISE IN
DECISION-MAKING.

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

- 1) A REPOSITORY FOR PUBLISHED MATERIAL
- 2) A PLACE/FORUM FOR SHARING AND DISCUSSING IDEAS
- 3) MEETING ROOM(S)
- 4) EDUCATIONAL RESOURCES FOR OUR YOUTH

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

I WAS ON THE THOMPSON SCHOOL DISTRICT'S
MASTER PLAN COMMITTEE FOR A YEAR AND A HALF.

Any other comments?

Thank you for your interest in serving on the Berthoud Community Library District Board of Trustees.



August 23, 2023

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

Dear Mr. Samora:

On August 9, 2023 the Berthoud Community Library District Board of Trustees selected Melissa Robinson to fill a four-year library trustee term, 1/1/2024 – 12/31/2027.

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

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

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amie Pilla".

Amie Pilla
Library CEO

Enclosure



Berthoud
COMMUNITY LIBRARY
DISTRICT

Board of Trustees Member Application

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

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

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

Date 11/27/2019
Name Melissa S. Robinson
Email: bruceandmelissa@gmail.com Phone H: 970-344-5227
Cell: 970-459-0360
Address 315 E. Iowa Ave. Berthoud, CO 80513
How long have you lived in this area? Six years
Occupation Retired
Employer _____ Title _____

❖ Term being applied for is January 2020 – December 2023

❖ The Berthoud Community Library District (BCLD) Board of Trustees normally meets on the 2nd Wednesday of each month at 7:00 pm. Are you able to meet at that time? ☒ yes ☐ no

❖ The term for this appointment is four years. Are you able to commit to serving this term? ☒ yes ☐ no

❖ Are you a library cardholder? ☒ yes ☐ no

❖ How did you learn of this Library Board of Trustees opening? Sign at the Library

Why do you want to become a member of the BCLD Board of Trustees?

I love our library. I have been a volunteer for several years. I have a strong desire to help foster reading and participation. I have been a Volunteer at the Berthoud Elementary School helping students with reading and writing.

What strengths would you bring to the Board of Trustees?

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

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

Besides the usual books in all categories,
research materials, Movies, computer access,
the library should have space for meetings,
classes, ~~tutoring~~ tutoring and social events,
Book clubs, story time for children, and
advice on what books to read and why -

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

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

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

Any other comments?

I have participated in drawing and
water color classes

I am a participant in the writers' group.

Thank you for your interest in serving on the Berthoud Community Library District Board of Trustees.

BOARD OF TRUSTEES INFORMATION

BUSINESS DEVELOPMENT DEPARTMENT



Meeting Date:	September 26, 2023
Agenda Title/Subject:	Downtown Development Authority (DDA)
Type of Item:	Consent Agenda
Purpose:	• Update the Board on the DDA meeting activity and progress to date.
Presented by:	Walt Elish

ATTACHMENTS:

- None

BACKGROUND:

Since the introduction of the Downtown Development Authority (DDA) concept to the Board, staff has contracted with Ayres Associates to assist us in preparing and presenting the idea of creating a DDA to Berthoud businesses and property owners. After formulating the plan and the presentation materials, the Town has hosted two meetings, at the library. A total of 25 out of the 42 businesses invited attended the meetings.

The businesses were generally supportive of the DDA idea/concept. With the development that is expected to occur along the Mountain Avenue corridor, the business owners believe that now is the opportune time to create the DDA and use the tax increment to financially support the DDA and the projects it identifies. The information gained at these meetings is also assisting us in developing the "Plan of Development." The development of this Plan and its formal approval is required before the DDA concept can be placed on the ballot for consideration by the business and property owners in the designated district boundary. Also, with the input received from the businesses during these meetings, a number of proposals have been identified for a DDA district boundary. Additional study and input will be accomplished before a DDA district boundary is formally identified.

In addition to the two "formal" meetings, Whitney Way, City Star Brewing, is planning to host an informal meeting, in a week or so at her establishment, for interested businesses wanting to learn more about the DDA.

We will continue to reach out to business and property owners, via a zoom meeting and personal visits in the upcoming months to determine if there is support for the creation of a DDA. After which staff will then bring our findings back to the Board for discussion along with a plan of action going forward. The Board will then decide our next steps, including whether to place "the creation of a DDA" on the ballot in 2024.

FISCAL IMPACT AND FUND SOURCE:

There is not a fiscal impact at this time beyond the current consultant expense to evaluate the feasibility of the plan. Should the DDA move forward and ultimately placed on the ballot and then supported by those in the district, it is anticipated that the Town may need to provide the initial funding to support the newly created DDA.

COMMUNITY TOUCHSTONES:

The community touchstone that this item addresses is our community identity. Berthoud is known and recognized for our quaint and historic downtown and this item directly and indirectly address this Board priority.

RECOMMENDED ACTION(S):

None.

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	September 26, 2023
Agenda Title/Subject:	Resolution NO. 21, 2023
Type of Item:	Consent Agenda
Purpose:	Approve Proposed Resolution for Jackson County to join LETA
Presented by:	Brian Dubois

ATTACHMENTS:

- Resolution NO. 21, 2023
- Fifth Amended IGA for LETA

BACKGROUND:

In April of 2023, the Jackson County Sheriff's Office reached out to LETA for advice and counsel on matters related to emergency telephone service and emergency notification service within Jackson County. After initial exploratory conversations and subsequent due diligence, the Jackson County Board of County Commissioners made a formal request that LETA's jurisdiction be expanded to include Jackson County and that Jackson County become an additional signatory to LETA's IGA. Resolution NO. 21, 2023 is intended to amend the fourth IGA of Larimer Emergency Telephone Authority (LETA) and to authorize the proposed fifth amended IGA. As of September 8, 15 other agencies have approved and signed resolutions and the amended IGA.

UPDATE/NEXT STEPS:

- No further steps required

FISCAL IMPACT AND FUND SOURCE:

No Fiscal Impact

COMMUNITY TOUCHSTONES:

LETA is a vital part of emergency **COMMUNICATION** throughout the County, and this will allow LETA to expand this important role to a neighboring county.

RECOMMENDED ACTION(S):

Town Staff recommends the Board approve resolution NO. 21, 2023 to amend 2021 Fourth amended IGA and sign the Fifth Amended IGA with LETA.

TOWN OF BERTHOUD
RESOLUTION NO. 21
(Series 2023)

BEING A RESOLUTION TO APPROVE AMENDING THE FOURTH AMENDED INTERGOVERNMENTAL AGREEMENT OF LARIMER EMERGENCY TELEPHONE AUTHORITY AND TO AUTHORIZE THE AGENCY'S SIGNATURE ON THE PROPOSED FIFTH AMENDED INTERGOVERNMENTAL AGREEMENT

WHEREAS, Town of Berthoud is authorized under C.R.S. § 29-1-203 to cooperate or contract with others to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units, including the provision of emergency telephone service and emergency notification service;

WHEREAS, Town of Berthoud is one of thirty signatories to the Fourth Amended Intergovernmental Agreement ("IGA") of Larimer Emergency Telephone Authority ("LETA") establishing LETA as a separate legal entity for the purpose of providing emergency telephone service and emergency notification service;

WHEREAS, the Fourth Amended IGA of LETA states that the IGA may be amended upon an affirmative vote of three-quarters (3/4) of the signatories; and

WHEREAS, the thirty signatories have been asked to consider whether to amend the Fourth Amended IGA of LETA to expand LETA's jurisdiction to include Jackson County on the terms and conditions set forth in the proposed Fifth Amended IGA and to add Jackson County as a thirty-first signatory to LETA's IGA.

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

1. Per Article XII of the Fourth Amended IGA of LETA, Town of Berthoud votes to amend the Fourth Amended IGA and to approve the proposed Fifth Amended IGA attached hereto, which expands LETA's jurisdiction to include Jackson County on the terms and conditions set forth in the proposed Fifth Amended IGA and adds Jackson County as the thirty-first Signatory to LETA's IGA; and
2. Town of Berthoud authorizes the Mayor to sign the Fifth Amended IGA of LETA on its behalf.

PASSED, ADOPTED AND APPROVED THIS 26th DAY OF SEPTEMBER, 2023.

TOWN OF BERTHOUD

BY: _____
William Karspeck, Mayor

ATTEST:

Christian Samora, Town Clerk

**FIFTH AMENDED INTERGOVERNMENTAL AGREEMENT
FOR THE ESTABLISHMENT OF
LARIMER EMERGENCY TELEPHONE AUTHORITY**

This Fifth Amended Intergovernmental Agreement (“Agreement”) is entered into effective November 1, 2023, by and between the following political subdivisions and public entities of the State of Colorado, which are referred to herein collectively as “Parties” and are referred to herein individually by name or as “Party.”

Counties (2)/Cities (2)/Towns (6)

County of Larimer
County of Jackson
City of Fort Collins
City of Loveland
Town of Berthoud
Town of Estes Park
Town of Johnstown
Town of Timnath
Town of Wellington
Town of Windsor

Hospital/Health Services Districts (3)

Health District of Northern Larimer
County
Park Hospital District
Thompson Valley Health Services
District

State (1)

Colorado State University

Fire Authorities (2)

Loveland Fire Rescue Authority
Poudre Fire Authority

Fire Protection Districts (15)

Allenspark Fire Protection District
Berthoud Fire Protection District
Crystal Lakes Fire Protection District
Estes Valley Fire Protection District
Front Range Fire Rescue Fire Protection District
(f/k/a Johnstown Fire Protection District)
Glacier View Fire Protection District
Livermore Fire Protection District
Loveland Rural Fire Protection District
Lyons Fire Protection District
Pinewood Springs Fire Protection District
Poudre Canyon Fire Protection District
Poudre Valley Fire Protection District
Red Feather Lakes Fire Protection District
Wellington Fire Protection District
Windsor-Severance Fire Protection District

WHEREAS, on or about November 14, 1990, multiple political subdivisions entered into an “Intergovernmental Agreement concerning the implementation of an E-911 Emergency Telephone Service” (“the IGA”) to form a separate legal entity to serve as a governing body to provide emergency telephone service and to establish, collect, and disperse the emergency telephone charge in Larimer County, and they named the new entity Larimer Emergency Telephone Authority (“LETA”);

WHEREAS, the IGA was thereafter amended four times effective July 7, 1999, April 5, 2002, July 21, 2009, and November 1, 2021, with the November 1, 2021 amendment being known as the “Fourth Amended IGA”;

WHEREAS, in Larimer County, there are also three volunteer fire departments organized as nonprofit corporations under Colorado law, which are not signatories to the IGA: Glen Haven Area Volunteer Fire Department, Rist Canyon Volunteer Fire Department, and Volunteer Fire Department of Big Elk.

WHEREAS, in April of 2023, the Jackson County Sheriff's Office reached out to LETA for advice and counsel on matters related to emergency telephone service and emergency notification service within Jackson County, Colorado;

WHEREAS, after some initial exploratory conversations and subsequent due diligence, the Jackson County Board of County Commissioners made a formal request that LETA's jurisdiction be expanded to include Jackson County and that Jackson County become an additional signatory to LETA's IGA;

WHEREAS, subject to an affirmative vote of three-quarters (3/4) of the thirty (30) signatories to the Fourth Amended IGA, the Parties desire to update the IGA, as amended, to reflect the expansion of LETA's jurisdiction to include Jackson County and the addition of Jackson County as a signatory to LETA's IGA;

WHEREAS, the Parties are authorized by Colorado statute (Title 29, Article 11, Part 1) to enter into a contract to establish a separate legal entity that serves as a governing body for the purpose of providing emergency telephone service and to establish and collect an emergency telephone charge in the jurisdiction;

WHEREAS, the Colorado Constitution (Article XIV, Section 18) and Colorado statutes (Title 29, Article 1, Part 2) permit and encourage governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with each other; and

WHEREAS, C.R.S. § 29-1-203 authorizes government, as defined in C.R.S. § 29-1-202, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units if:

1. such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve; and
2. any such contract shall set forth fully the purposes, powers, rights, obligations, and the responsibilities, financial and otherwise, of the contracting parties and may provide for the joint exercise of the function, service, or facility, including the establishment of a separate legal entity to do so.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the Parties agree as follows:

I. PREAMBLE

The Parties agree that the recitals set forth above are true and correct and those recitals are hereby incorporated into the body of this Agreement.

II. SUPERSEDING PRIOR AGREEMENTS

The Parties agree that this Agreement shall supersede the IGA dated November 14, 1990, the amendments thereto dated July 7, 1999, April 5, 2002, July 29, 2009, and the Fourth Amended IGA.

III. DEFINITIONS

As used herein:

A. The definitions for the following terms shall be the same as set forth in C.R.S. § 29-11-101, as may be amended: “emergency telephone charge,” “911 access connection,” “911 call,” “911 surcharge,” “emergency notification service” “emergency service provider,” “public agency,” “public safety answering point” (“PSAP”), which is interchangeable with emergency communications center (“ECC”), “service supplier,” and “service user.”

B. “Agreement” means this Fifth Amended Intergovernmental Agreement for the Establishment of Larimer Emergency Telephone Authority;

C. “Board” means the Board of Directors described in Section V in which the powers of the Governing Body are vested.

D. “Bylaws” means the bylaws of the Governing Body as described in Section V(7).

E. “Emergency telephone service” means the receipt and processing of 911 calls by the PSAP for the purpose of providing responses from emergency service providers, and may include providing 911 call-related applications, services, programs, and systems.

F. “Governing Body” means Larimer Emergency Telephone Authority, per the definition set forth in C.R.S. § 29-11-101(16), as may be amended.

G. “Governing Body's jurisdiction” means within the combined geographic boundaries of Larimer County and Jackson County, per the definition set forth in C.R.S. § 29-11-101(17), as may be amended. The Governing Body's jurisdiction differs from the Governing Body's emergency telephone service area.

H. “Governing Body's emergency telephone service area” means the collective boundaries of the emergency service providers that are used by the PSAPs for call routing and emergency response.

I. “Parties” means the signatories hereto, but, in the future, will not include any Party after the effective date of such Party's withdrawal in accordance with Section X, and will include any new signatory admitted to this Agreement by the Board in accordance with Section VI(2)(q).

J. “Proportional basis” as used in Section X(3) means a percentage determined by the following formula: the number of 911 access connections within each boundary of the Identified Political Subdivisions divided by the total number of 911 access connections in Larimer County. The Board shall determine the data to use for this calculation based on the Board’s determination of the most reliable source(s) and representative timeframes. For the purpose of this definition only: (1) “Identified Political Subdivisions” means Larimer County and each city and town that is a Party, and excludes Jackson County, and (2) the boundary of Larimer County means within the unincorporated areas of the County. If, at the time of the calculation, Larimer County, a city, or a town is not a Party, then the Board shall establish the formula to allocate its percentage among the Identified Political Subdivisions who are Parties.

IV. ESTABLISHMENT OF LARIMER EMERGENCY TELEPHONE AUTHORITY

The Parties establish the separate legal entity and Governing Body known as Larimer Emergency Telephone Authority (“LETA”). The Governing Body may have also been referred to in prior intergovernmental agreements as the Larimer County Emergency Telephone Authority, which is hereby corrected. The Governing Body is created as a nonprofit, public entity established pursuant to C.R.S. §§ 29-1-203 and 29-11-102(1)(b), as may be amended. The Parties intend that the Governing Body be formed under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 through 120, as may be amended, and meet the Act’s definition of a “public entity.” The Parties further intend that the Governing Body meet the definition of a “nonprofit organization” under C.R.S. § 13-21-115.5, as may be amended (the Volunteer Service Act), C.R.S. § 13-21-115.7, as amended, and C.R.S. § 13-21-116, as may be amended.

The Governing Body is an independent legal entity, separate and distinct from the Parties. No debt, liability, or obligation of the Governing Body shall extend to or be an obligation of a Party, unless agreed to in writing.

The Governing Body is responsible for the installation, administration, management, operation, maintenance, upgrade, and enhancement of emergency telephone service and emergency notification service in the Governing Body’s jurisdiction. The Parties will provide reasonable assistance and cooperation to the Governing Body as it carries out the functions, services, and facilities described in this Agreement for the Parties.

The Parties believe that governing bodies created pursuant to Part 1 of Title 29, Article 11, including the Governing Body, are not subject to the revenue and spending limitations imposed by Article X, Section 20 of the Colorado Constitution ("Amendment 1"), and, to the extent that Amendment 1 may be deemed to apply to governing bodies, the Governing Body created hereby shall operate as an enterprise within the meaning of Amendment 1 and shall thereby be exempt from all revenue and spending limitations imposed by said Amendment.

The Governing Body is formed in conformity with C.R.S. § 29-1-203.5. The provisions of

C.R.S. § 29-1-203.5 apply to the Governing Body.

A Party whose boundaries include portions of Larimer County and another county may be signatories on another intergovernmental agreement related to emergency telephone service and emergency notification service in such other county.

V. THE BOARD OF DIRECTORS

1. **Board.** The business and affairs of the Governing Body shall be managed by a Board of Directors consisting of eight (8) directors, each serving without compensation. The Board shall have the power to perform all acts necessary, to fulfill the purposes for which the Governing Body was established, whether express or implied.

2. **Qualifications of Directors.** Each director shall be either (a) a resident of Larimer County, or (b) an elected official in or full-time employee of a Party with an established scope of responsibility and delegated authority to make and implement policy-making or management-level decisions for the Party.

3. **Appointment to the Board.** Each director shall be appointed as follows:

a. The Larimer County Board of County Commissioners shall choose one (1) individual who meets the qualifications to serve as the director to represent Larimer County. The Larimer County Board of County Commissioners may determine the method for appointment from time to time and shall give to the Governing Body notice of any change in its method for appointment.

b. The Jackson County Board of County Commissioners appoints the Jackson County Sheriff, or the Sheriff's designee who meets the qualifications to serve as the director, to represent Jackson County.

c. The City of Fort Collins appoints the City Manager or the City Manager's designee as its one (1) individual who meets the qualifications to serve as the director to represent the City of Fort Collins. The City Council of the City of Fort Collins may change its method for appointment from time to time and shall give to the Governing Body notice of any change in its method for appointment.

d. The City Council of the City of Loveland shall choose one (1) individual who meets the qualifications to serve as the director to represent the City of Loveland. The City Council of the City of Loveland may determine the method for appointment from time to time and shall give to the Governing Body notice of any change in its method for appointment.

e. The Town of Estes Park appoints the Town Administrator or the Town Administrator's designee as its one (1) individual who meets the qualifications to serve as the director to represent the Town of Estes Park. The Board of Trustees of the Town of Estes Park

may change its method for appointment from time to time and shall give to the Governing Body notice of any change in its method for appointment.

f. The Board as then-comprised at the time of the appointment shall solicit nominees, nominate individually or as a slate, and appoint three (3) additional qualified directors as follows:

1. A director to represent the Parties that are fire districts and fire authorities;
2. A director to represent the Parties that are hospital and health services districts; and
3. A director to represent the Parties that are Colorado State University and towns not otherwise represented on the Board, with preference given to a Party with a PSAP.

4. **Term and Removal.** Directors shall serve a term of two (2) calendar years. There is no prohibition on consecutive terms or on the number of terms. A director may be removed if permitted by and pursuant to the procedures set forth in the Bylaws.

5. **Voting and Quorum.** Each director shall have one (1) vote. No proxy voting shall be permitted. A quorum of the Board shall consist of four (4) directors, except that, should there be four (4) or more vacancies at any time, then during that time, a quorum shall consist of three (3) directors. No official action may be taken by the Board on any matter unless a quorum is present. The affirmative vote of a majority of the Board shall be required for the Board to take action.

6. **Vacancy.** Any vacancy occurring as a result of a director's resignation, removal, death, disqualification, or any other reason shall be filled for the balance of that director's unfinished term in accordance with the applicable provision of the appointment process set forth in Section V(3).

7. **Bylaws.** The Board has promulgated Bylaws detailing all governance matters it deems necessary, including but not limited to: the scheduling and conduct of Board meetings, voting, and director removal; establishment and responsibilities of officer positions, their terms, and the filling of any vacancies; the establishment and responsibilities of committees; and Governing Body operating and fiscal procedures. Such Bylaws may be amended by the Board in accordance with the procedures set forth therein. In the event of a conflict, direct or indirect, between a provision in the Bylaws and this Agreement, this Agreement shall control.

VI. POWERS OF THE GOVERNING BODY

1. **Plenary Powers.** The Governing Body may carry out all purposes of this Agreement and may exercise all powers related thereto, including all incidental, implied, expressed, or such other powers as necessary, except as expressly limited in this Agreement. The Governing Body shall not have the power to levy taxes or the power of eminent domain.

2. **Enumerated Powers.** Without in any way limiting the plenary powers set forth in subsection (1) above, the Governing Body is specifically authorized to undertake all actions for the installation, administration, management, operation, maintenance, upgrade, and enhancement

of emergency telephone service and emergency notification service within the Governing Body's jurisdiction that the Governing Body believes are necessary and appropriate and consistent with applicable law, including but not limited to:

a. imposing, collecting, and auditing all charges and surcharges in the Governing Body's jurisdiction as set forth in Part 1 of Title 29, Article 11, as may be amended, and expending such funds as authorized by statute and this Agreement.

b. owning, operating, maintaining, leasing (as Lessor or Lessee), selling, or otherwise disposing of any legal or equitable interest in real and personal property.

c. adopting budgets, maintaining bank accounts, and investing funds.

d. carrying over funds which have not been used in a given fiscal year to the following fiscal year.

e. negotiating, entering into, amending (if necessary), and performing contracts.

f. adopting, reviewing, and amending the Bylaws and passing resolutions not in conflict with this Agreement.

g. adopting, reviewing on an annual basis, and amending (if necessary) the Governing Body's intergovernmental agreements other than this Agreement, as well as policies, protocols, procedures, or rules and regulations (collectively, "Policies") related to the provision of emergency telephone service and emergency notification service within the Governing Body's jurisdiction on subjects including but not limited to:

- Human Resources
- cost sharing
- street naming
- pictometry
- geographic information systems (GIS)
- Master Street Address Guide (MSAG)
- 911 Call Flow/Routing
- use of the backup PSAP
- 911 network
- fiber optic cable (leasing and owning)
- customer-premises equipment (CPE) and other equipment
- computer aided dispatch (CAD) system
- Combined Regional Information Systems Project (CRISP)
- insurance for PSAP equipment owned by the Governing Body and located at a facility owned by a Party
- emergency alert systems (selection and use)
- complex emergency events

- records retention and compliance with applicable law
- training, accreditation, and certification
- Emergency Medical Dispatch (EMD)
- call boxes
- finances and investments

In the event of a conflict, direct or indirect, between a provision the Policies and this Agreement, this Agreement shall control.

h. determining who is authorized to send emergency alerts and the circumstances under which they may be sent.

i. adopting a policy regarding street naming after collaboration with the Parties in whose jurisdiction the street is located.

j. adopting systems (software, hardware, and protocols) for Emergency Medical Dispatch (EMD).

k. conducting joint, partnership, cooperative, or other operations with other individuals and entities.

l. employing agents, accountants, attorneys, engineers, consultants, and other advisors.

m. incurring and paying debts, liabilities, or obligations, including borrowing and executing documents incidental thereto.

n. issuing bonds, notes, or other obligations payable from the revenues derived or to be derived from the revenue of the Governing Body as permitted by applicable law.

o. suing and being sued in its own name.

p. receiving contributions, gifts, bequests, grants, cash, equipment, or services from the Parties or any other public or private individual or entity.

q. after a formal Resolution of the Board, admitting a new signatory to this Agreement who becomes a Party without formal amendment of this Agreement, so long as each new signatory qualifies under C.R.S. §§ 29-1-202 and 203, has the approval of its legislative body or other authority having the power to so approve, and signs a document memorializing its admission.

r. participating in committees, groups, and organizations at the federal, state, and local level whose work relates to emergency telephone service and emergency notification service, including laws, regulations, and rules related thereto.

s. any other act which the Governing Body believes is reasonably necessary for the exercise of its powers and the performance of its obligations under this Agreement.

VII. BOOKS AND RECORDS

The Governing Body shall keep accurate and correct books of account on a modified accrual basis, showing in detail the capital costs, costs of services, installation, maintenance and operating costs, and the financial transactions of the Governing Body. The Governing Body's books of account shall also correctly show any and all revenues, fund balances, costs, or charges, as well as all funds received by and all funds expended by the Governing Body. The Governing Body's books and records shall be open to inspection during normal business hours upon reasonable notice by a Party, its attorneys, accountants, or agents. The books and records of the Governing Body shall also be made available to the public in accordance with the provisions of Colorado's Open Records Act, as may be amended.

The Governing Body shall cause an annual audit to be conducted by an independent Certified Public Accountant licensed to practice in the State of Colorado. The Governing Body shall comply with the Colorado Local Government Audit Law, C.R.S. § 29-1-601 through 608, as may be amended. The Governing Body shall comply with all other applicable federal and state financial reporting requirements.

The Governing Body shall maintain an asset inventory list for any and all real and personal property acquired by the Governing Body in whole or in part.

On and after the effective date of this Agreement, Jackson County will promptly deliver, transfer, and assign to the Governing Body:

1. the entire balance of funds it holds for purposes of providing emergency telephone service and emergency notification service in Jackson County, but no less than \$55,000.00;
2. the entire balance of any funds it receives or has received from the state or federal government or grants for purposes of improving emergency telephone service and emergency notification service in Jackson County, but no less than \$70,000.00;
3. all rights, title, and interest to all charges and surcharges due Jackson County for emergency telephone service under Colorado statute (Title 29, Article 11, Part 1) and deliver the same to the Governing Body, and Jackson County will execute all documents necessary for carriers and the Public Utilities Commission to deliver directly to the Governing Body all such charges and surcharges in the future; and
4. unencumbered title to any PSAP equipment or other assets owned by Jackson County that would assist the Governing Body in its administration and/or operation emergency telephone service and emergency notification service. Jackson County

shall execute any documents reasonably necessary to effectuate the transfer of title.

Similar to Agreements with the Governing Body's other PSAPs, Jackson County agrees to (a) insure the Governing Body's equipment located in a PSAP in Jackson County, and (b) provide proof of insurance promptly upon the Governing Body's written request.

The Governing Body will not become a successor to or assignee of any contracts currently in place for purposes of providing emergency telephone service and emergency notification service in Jackson County, with the exception of the current tariff in place for the provision of basic emergency service in Colorado.

VIII. REPORTS TO PARTIES

On an annual basis, the Governing Body shall submit a comprehensive annual report to the Parties summarizing the activities of the Governing Body during the preceding year and make available information concerning the finances of the Governing Body.

IX. DURATION OF AGREEMENT

The Agreement and the Governing Body shall have perpetual existence as permitted by C.R.S. § 29-1-203(1), as may be amended, unless sooner terminated in accordance with this Agreement.

X. WITHDRAWAL, TERMINATION, AND DISSOLUTION

1. **Withdrawal.** Any Party may withdraw from this Agreement by providing notice to each other Party and to the Governing Body. The withdrawal shall not be effective until at least one calendar year after the last notice is delivered.

2. **Termination by Mutual Agreement of the Parties.** Upon a three quarters (3/4) majority vote of all then-Parties, this Agreement shall be terminated and the Governing Body dissolved so long as, at the time of the vote, at least three quarters (3/4) of the Parties have also agreed in writing as to one or more entities who will succeed the Governing Body and undertake all actions for the continued installation, administration, management, operation, maintenance, upgrade, and enhancement of emergency telephone service and emergency notification service within the Governing Body's jurisdiction. The effective date of termination shall be December 31st in the calendar year ending no less than six months after the three quarters (3/4) majority vote for termination.

3. **Dissolution of Governing Body.** Upon the termination of this Agreement pursuant to subsection (2) above, the Board and the Parties shall take such actions necessary to finalize and conclude the Governing Body's operations, effect the orderly dissolution of the Governing Body, and transition emergency telephone service and emergency notification service to the entity or entities who will succeed the Governing Body, at the discretion of the Board. All assets of the

Governing Body located within Larimer County shall be distributed on a proportional basis either in-kind or after liquidation, at the discretion of the Board, except for any assets that the Board determines should be distributed to the entity or entities who will succeed the Governing Body. For purposes of this Agreement, all cash, bank, and investment accounts of LETA are deemed to be located within Larimer County. All assets of the Governing Body located within Jackson County shall be distributed either in-kind or after liquidation, at the discretion of the Board, except for any assets that the Board determines should be distributed to the entity or entities who will succeed the Governing Body. The Board shall be responsible for inventorying the assets of the Governing Body, distributing or liquidating any assets as appropriate, concluding the affairs of the Governing Body, and transitioning emergency telephone service and emergency notification service to the entity or entities who will succeed the Governing Body. Subject to the exercise of the Board's discretion, a Party which has previously made a contribution toward the purchase of a jointly owned asset may receive full ownership of the asset upon termination; however, the Party must account to the Governing Body for the amount that the Governing Body contributed toward purchase of the asset upon distribution of the other assets of the Governing Body. The Parties' rights related to distribution of assets shall survive termination of this Agreement.

XI. LIABILITY OF THE BOARD OF DIRECTORS, OFFICERS,
AND EMPLOYEES OF THE GOVERNING BODY

The Governing Body and its directors, officers, and employees shall be immune from suit and civil liability as provided by applicable law because the Governing Body is a nonprofit, public entity and political subdivision of the State of Colorado established pursuant to C.R.S. §§ 29-1-203 and 29-11-102(1)(b), as amended; the Governing Body is a public entity under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 through 120, as amended; and the Governing Body is a "nonprofit organization" under C.R.S. § 13-21-115.5, as amended (the Volunteer Service Act), C.R.S. § 13-21-115.7, as amended, and C.R.S. § 13-21-116, as amended.

In addition, the Governing Body shall purchase insurance for the Governing Body and its Board, officers and employees which insurance will provide reasonable coverage against any claims, suit or proceeding arising out of or relating to any act or omission under this Agreement.

XII. AMENDMENTS

This Agreement may be amended upon the affirmative vote of three-quarters (3/4) of the then-Parties to this Agreement.

XIII. NOTICE

Notice to a Party is given by delivering a writing to its current address as listed by the Department of Local Affairs. The Notice shall be addressed as follows: (a) to the Board of County Commissioners in the case of Larimer County and Jackson County, (b) to the Board and its Chief Executive Officer in the case of a special district, a fire authority, or the Governing Body, (c) to the City Council in the case of cities, and (d) to the Town Board, Town Council, or Board of

Trustees in the case of Towns. A courtesy copy shall also be delivered to the attorneys for Larimer County, Jackson County, cities, and towns. Failure to deliver courtesy copies to the attorneys shall not invalidate a notice otherwise properly delivered as provided in this Agreement. Notice to a director is given by delivering a writing addressed to the director to the Governing Body's current address. Notice shall be effective upon receipt if hand-delivered or three (3) days after mailing if sent by first-class or certified U.S. mail.

XIV. SEVERABILITY

In the event any provision of this Agreement is determined to be illegal or invalid for any reason, all other provisions of this Agreement shall remain in full force and effect unless and until otherwise determined by a Court of competent jurisdiction. The illegality of any provision of this Agreement shall in no way affect the legality and enforceability of any other provision of this Agreement.

XV. SUCCESSORS AND THIRD PARTIES

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties. This Agreement is not intended to, and does not, inure to the benefit of non-Parties to this Agreement.

XVI. ASSIGNMENT AND DELEGATION

No Party shall assign any of the rights nor delegate any of the duties created by this Agreement without the written approval of three-quarters (3/4) of the other then-Parties to this Agreement.

XVII. COUNTERPARTS

This Agreement may be executed by original, scanned, or digital counterpart signatures and shall have the same force and effect as if all signatures appeared on the same original.

IN WITNESS WHEREOF, the Parties have caused their representatives to affix their respective signatures hereto.

TOWN OF BERTHOUD, COLORADO

By: _____

ATTEST: _____

APPROVED AS TO FORM (if applicable):

Date: _____

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	September 12, 2023
Agenda Title/Subject:	Town Trustee Vacancy
Type of Item:	Regular Item
Purpose:	Make Appointment to Fill Trustee Vacancy on Town Board
Presented by:	Christian Samora

ATTACHMENTS:

- Trustee Vacancy Applications

BACKGROUND:

Trustee Jeff Butler submitted a resignation to the Town Board effective August 1, 2023. Pursuant to C.R.S. § 31-4-303, the Board has the power to fill all vacancies by appointment. The person appointed must take an oath and shall hold office until the next regular election. The next regular election will be held in April of 2024. Any vacancy of the elected governing body must be filled within sixty days after the vacancy occurs.

At the August 8, 2023 Town Board Meeting, the Town Board of Trustees gave direction to solicit applications to fill this vacancy. The application process was open to a limited candidate pool to include individuals currently serving on a volunteer board.

Applications were received from the following individuals:

- Clifford "Brett" Wing
- Chris Kurtz

The applicants will be in attendance at the Town Board Meeting, so that the Board may interview each applicant. Any appointment made shall be until the next regular election, which is in April of 2024. After an appointment has been made to fill the vacancy, the newly appointed official may be sworn into office.

UPDATE/NEXT STEPS:

- No further action is needed after the appointment and swearing in of a new Trustee has occurred.

FISCAL IMPACT AND FUND SOURCE:

There is not a fiscal impact associated with this item.

COMMUNITY TOUCHSTONES:

Filling the vacancy on the Town Board ensures that the governing body can efficiently continue work that supports the Community Touchstones that were established by the Town Board:

Community Identity, Resiliency and Sustainability.

RECOMMENDED ACTION(S):

A Board Member may move to appoint _____ to the Town Board to serve the remainder of the vacated term, which will expire in April of 2024.

Followed by a second and a roll call vote.



**Garden
Spot of
Colorado**

807 Mountain Avenue | PO Box 1229 | Berthoud, CO 80513 | O: 970.532.2643 | F: 970.532.0640 | Berthoud.org

Town Board Vacancy Application

To be considered a candidate for a vacancy on the Town Board, please complete this application and return it to the Town Clerk's Office, 807 Mountain Ave, Berthoud, Colorado 80513 or email to csamora@berthoud.org. Applications are due no later than 5:30 P.M. on September 5, 2023. Applicants MUST be present on September 12, 2023 to be considered for the Town Trustee Vacancy.

Name: Chris Kurtz
Address: 299 Bronco Ct., Berthoud, CO, 80513
Day Phone: 970-803-2641 Night Phone: 513-289-6780 E-Mail Address: chrispkurtz@gmail.com

How long have you been a resident of the Town of Berthoud? 3 years, 9 months

Do you currently serve, or have you served previously, on a board, committee or commission? If so, please list role(s) and for what organization(s) _____

Planning Commission - May 2021 to Present - Vice Chair

Parks, Open Space, Recreation and Trails - Sept. 2020 to May 2021 - Member

Why do you want to become a member of the Town Board? I am passionate about Berthoud and see opportunities to both preserve and build a world-class community. I believe I can positively contribute as a Town Trustee, building on the momentum that exists today.

Briefly explain a few reasons why you believe you would be an ideal candidate to fill a vacancy on the Town Board of Trustees?

1) I have taken my current role on the Planning Commission seriously, as a result I have become

intimately familiar with one of the biggest issues facing Berthoud, growth. Regarding future

development, there will be little to no learning curve, and I can hit the ground running.

2) Professionally, I am a practicing water resources engineer, focused on helping the Northern

Colorado region prepare for the coming decades as it faces continued growth, changing

hydrology, and increased financial pressures. Beyond an expertise in water resources, my experience has made me a practical, long-range planner; skills that will help me serve the Town.

List any abilities, skills, licenses, certificates, specialized training, past related experience or interests you have which may help you serve in the role of Town Trustee. _____

Licensed Professional Engineer, Certified Project Management Professional, lifelong learner

Please specify any activities which might create a conflict of interest that would prevent you from taking official action if you should be appointed to the Town Board. _____

None that I am aware of; however, I would like to disclose that I am currently employed at Northern Water. If a conflict of interest did arise, I would recuse myself based on the guidance of the Town's attorney.

Have you attended a meeting of the Town Board of Trustees? Yes Yes ____ No

Comments: I have attended multiple Town Board meetings in the nearly 4 years that I have called

Berthoud home. I have done this mainly to stay informed as a resident and to support my roles on various volunteer commissions (Planning, P.O.R.T)

Pursuant to CRS 31-10-301, persons eligible to hold the office of Trustee must:

- Be a citizen of the United States.
- Be 18 years of age or older.
- Be currently registered to vote.
- Must be a resident of the Town of Berthoud or of a territory annexed to that ward for at least 12 months immediately preceding the date of the election.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application.

Signature: _____



Date: _____

September 5, 2023



**Garden
Spot of
Colorado**

807 Mountain Avenue | PO Box 1229 | Berthoud, CO 80513 | O: 970.532.2643 | F: 970.532.0640 | Berthoud.org

Town Board Vacancy Application

To be considered a candidate for a vacancy on the Town Board, please complete this application and return it to the Town Clerk's Office, 807 Mountain Ave, Berthoud, Colorado 80513 or email to csamora@berthoud.org. Applications are due no later than 5:30 P.M. on September 5, 2023. Applicants MUST be present on September 12, 2023 to be considered for the Town Trustee Vacancy.

Name: Clifford "Brett" Wing
Address: 2526 Heron Lakes Parkway
Day Phone: 917-572-0653 Night Phone: _____ E-Mail Address: brrtwng@aol.com

How long have you been a resident of the Town of Berthoud? Two Years

Do you currently serve, or have you served previously, on a board, committee or commission?
If so, please list role(s) and for what organization(s) _____

Yes. I currently serve on the Berthoud Planning Commission

I have served on many business boards and Executive staffs. I.e. Save Mart Grocers, ShopRite Stores Inc.

Why do you want to become a member of the Town Board? I want to be engaged and contribute to the future vision and develop of our great town. Giving back to the community is important to me.

I'd like to be a voice and representative for residents of our town.

Briefly explain a few reasons why you believe you would be an ideal candidate to fill a vacancy on the Town Board of Trustees?

- 1) Having been the President of several multi billion dollar companies, I have been involved in the communities of countless towns across the country. I've supported local causes, such as community foodbanks, veteran program, local education programs and many other causes with millions donated.
- 2) Businesses are an important part of most towns, and having been in executive roles for over 40 years, I speak the language of business owners, operators and executives. I can be instrumental in working with businesses to help enhance our community.

List any abilities, skills, licenses, certificates, specialized training, past related experience or interests you have which may help you serve in the role of Town Trustee. _____

Experience in working with towns to improve their resident offerings and running successful businesses.

Please specify any activities which might create a conflict of interest that would prevent you from taking official action if you should be appointed to the Town Board. _____

I'm not aware of any conflicts of interest.

I was recently elected to the Heron lakes Metro District 2 Board.

Have you attended a meeting of the Town Board of Trustees? ☒ Yes ☐ No

Comments: _____

The meeting was a session to learn about how water availability works in the town.

I found it extremely interesting, and appreciated the gained knowledge through the experience.

Pursuant to CRS 31-10-301, persons eligible to hold the office of Trustee must:

- Be a citizen of the United States.
- Be 18 years of age or older.
- Be currently registered to vote.
- Must be a resident of the Town of Berthoud or of a territory annexed to that ward for at least 12 months immediately preceding the date of the election.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application.

Signature: Clifford B. Butte Date: 8/15/2023

BOARD OF TRUSTEES INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT

Meeting Date:	September 12, 2023
Agenda Title/Subject:	Public Hearing to consider a request to adopt the Town of Berthoud Flood Damage Prevention Code as Section 12 to Chapter 30 of the Berthoud Municipal Code, Ordinance 1321 (2023)
Type of Item:	Public Hearing
Purpose:	Request for approval of the Town of Berthoud Flood Damage Prevention Code
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Ordinance 1321 (2023)
- Section 12, Chapter 30 content
- Colorado Water Conservation Board approval of content
- Resolution 2021.2 Approval National Floodplain Insurance Maps
- Legal Publication
- Draft Planning Commission minutes from August 24, 2023 public hearing

BACKGROUND:

The Town of Berthoud approved National Flood Plain Insurance Maps on January 12, 2021. Both Larimer and Weld Counties contacted property owners during the map revision process. The Town of Berthoud does not have Code language to support how the flood overlay district is to be managed. The Colorado Water Conservation Board (CWCB) has a model code and provides this to communities for regulation of activities in the flood overlay zones. This was used to create the proposed Code language for the Town of Berthoud.

UPDATE/NEXT STEPS:

After the Planning Commission public hearing on August 24, 2023, the Board of Trustees will hear the request to amend the Code at their hearing on September 12, 2023. If approved, future development proposals for building or land use activity in the flood overlay zone will have guiding procedures in the Town Code.

FISCAL IMPACT AND FUND SOURCE:

There is no negative impact to the Town in consideration of this request. For the Town to participate in the National Flood Insurance Program, the Town is required to have Code language to guide development that may occur in the overlay. By doing so, the Town's residents with property containing a flood overlay zone will be able to participate in the National Flood Insurance Program.

COMMUNITY TOUCHSTONES:

Consideration of this request does not negatively impact community touchstones.

RECOMMENDED ACTION(S):

At their August 24, 2023 public hearing, Planning Commission voted to send their recommendation of approval to the Town Board of Trustees. Staff has collaborated with the State of Colorado's regulatory agency managing the flood program for the State, the CWCB. The CWCB has provided review of the proposed language and finds the Town of Berthoud proposed Code meets their standards.

Suggested Motion for Approval:

I move approve the Town of Berthoud Flood Damage Prevention Code as Section 12 to Chapter 30 of the Municipal Code to the Board of Trustees. This recommendation of approval is outlined in the attached Ordinance and includes supporting the National Flood Insurance Rate Program and protecting the flood overlay district in the Town of Berthoud.

Suggested Motion for Denial:

I move to deny the Town of Berthoud Flood Damage Prevention Code as Section 12 to Chapter 30 of the Municipal Code to the Board of Trustees for the following reasons:

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1321
(SERIES 2023)**

**AN ORDINANCE ADOPTING THE TOWN OF BERTHOUD FLOOD DAMAGE PREVENTION
CODE, MUNICIPAL CODE CHAPTER 30, SECTION 12**

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

WHEREAS, the Town wishes to participate in the National Flood Insurance Program (NFIP) and must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP standards and requirements. These standards are intended to prevent loss of life and property, as well as economic and social hardships that result from flooding. In return for the local adoption and enforcement of floodplain management regulations, the Federal Emergency Management Agency (FEMA) provides the availability of flood insurance coverage within the community; and

WHEREAS, the State of Colorado adopted higher standards for floodplain management, which are outlined in the Rules and Regulations for Regulatory Floodplains in Colorado (Rules), 2 CCR 408-1, effective January 14, 2011, and updated January 14, 2022. The Rules are the effective minimum standards for the State of Colorado; and

WHEREAS, the Colorado Water Conservation Board supports the NFIP and serves as the state liaison with FEMA to coordinate activities and provide support, technical assistance, training, and outreach to local officials in the execution of their duties to identify, prevent, and resolve floodplain management issues; and

WHEREAS, the Town adopted FEMA Flood Insurance Rate Maps (FIRM) on January 12, 2021 through Resolutions 2020-16 and 2021-2; and

WHEREAS, FEMA provided notice to property owners impacted by the updated FIRM; and

WHEREAS, the adoption of Section 12 to Chapter 30 of the Berthoud Municipal Code meet state and federal requirements, and will improve safety for persons and property in the Town.

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

Section 1. The attached Section 12 to Chapter 30 shall be included in the Town Municipal Code.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this ordinance shall take effect thirty days after publication as required by law, and shall apply to all development and construction permitted after such date.

INTRODUCED, READ, ADOPTED, AND APPROVED on this 12th day of September,
2023.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

CHAPTER 30 BERTHOUD DEVELOPMENT CODE

SECTION 12 FLOOD DAMAGE PREVENTION ORDINANCE

30-12-101. TITLE AND PURPOSE

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Board of Trustees of the Town of Berthoud, Colorado, does hereby adopt the following floodplain management regulations:

A. Findings of fact.

1. The flood hazard areas of the Town of Berthoud are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

B. Statement of Purpose

It is the purpose of this ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is located in a flood hazard area.

C. Methods of reducing flood losses. In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

30-12-102. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

100-YEAR FLOOD - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-YEAR FLOOD - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

ADDITION - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

ALLUVIAL FAN FLOODING - A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

AREA OF SHALLOW FLOODING - A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD – The flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

BASE FLOOD ELEVATION (BFE) - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

BASEMENT - Any area of a building having its floor sub-grade (below ground level) on all sides.

CHANNEL - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

CHANNELIZATION - The artificial creation, enlargement or realignment of a stream channel.

CODE OF FEDERAL REGULATIONS (CFR) - The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

COMMUNITY - Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

CRITICAL FACILITY – A structure or related infrastructure, but not the land on which it is situated, as specified in the Section regarding Standards for Critical Facilities, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See the Section regarding Standards for Critical Facilities.

DEVELOPMENT - Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM DATABASE - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) - FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

ELEVATED BUILDING - A non-basement building (i) built, in the case of a building in

Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL REGISTER - The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

FLOODPLAIN ADMINISTRATOR - The community official designated by title to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

FLOODPLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD CONTROL STRUCTURE - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

FREEBOARD - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP REVISION (LOMR) - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) – FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

LEVEE – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

LEVEE SYSTEM - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

MATERIAL SAFETY DATA SHEET (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) – FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATION – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

PHYSICAL MAP REVISION (PMR) - FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

RECREATIONAL VEHICLE - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

START OF CONSTRUCTION - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

THRESHOLD PLANNING QUANTITY (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

VARIANCE - A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

30-12-103. GENERAL PROVISIONS

- A. *Lands to which this Ordinance applies.* The ordinance shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Berthoud, Colorado.
- B. *Basis for establishing the special flood hazard area.* The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "*The Flood Insurance Study for Larimer County, Colorado, and Incorporated Areas*", dated January 15, 2021; and "*Flood Insurance Study, Weld County, Colorado, and Incorporated Areas*", dated January 20, 2016, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the Town of Berthoud. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, and FIRMs on file and available for public inspection.
- C. *Establishment of floodplain development permit.* A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.
- D. *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the Town of Berthoud from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.
- E. *Abrogation and greater restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- G. *Warning and disclaimer of liability.* The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

- H. *Severability.* This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

30-12-104. ADMINISTRATION

- A. *Designation of the Floodplain Administrator.* The Town Engineer, or their assignee is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. *Duties and responsibilities of the Floodplain Administrator.* Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by the Section on Permit Procedures.
 2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.
 3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
 6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 7. When Base Flood Elevation data has not been provided in accordance with the Section on the Basis for Establishing the Special Flood Hazard Area, the Floodplain Administrator

shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of the Section on Provisions for Flood Hazard Reduction.

8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
 9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
 10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
 11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- C. *Permit Procedures.* Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:
1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria found in the Section of Provisions for Flood Hazard Reduction and specifically Specific Standards for Construction;
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with the Section on the Duties and Responsibilities of the Floodplain Administrator.
6. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - j. The relationship of the proposed use to the comprehensive plan for that area.

D. Variance Procedures.

1. The Appeal Board, as established by the Community, shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in

Section C of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in the Statement of Purpose Section.
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
9. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
10. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
 - a. The criteria outlined in the Administration Section and Specifically the Variance Procedures Section, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- E. *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and Title 30 of the Berthoud Municipal Code. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall proceed through the Enforcement procedures outlined in the Municipal Code.

30-12-105. PROVISIONS FOR FLOOD HAZARD REDUCTION

- A. *General Standards.* In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:
1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
 8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. *Specific Standards.* In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in (i) the General Provisions Section, Basis for establishing the Special Flood Hazard Area; (ii) the Administrative Section, Duties and Responsibilities of the Floodplain Administrator item 7; or (iii) the Provisions for Flood Hazard Reduction Section, Standards for Subdivision Proposals, the following provisions are required:

1. RESIDENTIAL CONSTRUCTION.

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Article 5, Section H, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in the Administration Section, Permit Procedures.

3. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. MANUFACTURED HOMES

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the

manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. RECREATIONAL VEHICLES

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of the Administration Section, Permit Procedures, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. PRIOR APPROVED ACTIVITIES

Any activity for which a Floodplain Development Permit was issued by the Town of Berthoud or a CLOMR was issued by FEMA prior to the effective date of the Flood Damage Prevention Ordinance adopting the Berthoud Flood District may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

- C. *Standards for areas of shallow flooding (AO/AH Zones).* Located within the Special Flood Hazard Area established in the General Provisions Section, Basis for Establishing the Special Flood Hazard Area, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. RESIDENTIAL CONSTRUCTION

All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section regarding Provisions for Flood Hazard Reduction and Standards for Critical Facilities, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in the Administration, Permit Procedures Section, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

- D. *Floodways.* Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in the Definition Section). Located within Special Flood Hazard Area established in the General Provisions, Basis for Establishing the Special Flood Hazard Area, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
 2. If the Section on Provisions for Flood Hazard Reduction, Floodways above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of the Section on Provisions for Flood Hazard Reduction.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.
- E. *Alteration of a watercourse.* For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:
1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
 2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
 3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
 4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
 5. All activities within the regulatory floodplain shall meet all applicable Federal, State and Berthoud floodplain requirements and regulations.
 6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section D of this Article.
 7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.
- F. *Properties removed from the floodplain by fill.* A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:
1. **RESIDENTIAL CONSTRUCTION**
The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
 2. **NONRESIDENTIAL CONSTRUCTION**
The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is

watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

G. *Standards for Subdivision proposals.*

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of General Provisions, Basis for Establishing the Special Flood Hazard Area; Administration, Permit Procedures; and the provisions of the Section on Provisions for Flood Hazard Reduction of this ordinance.
3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to the General Provisions and Administration sections of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

H. *Standards for critical facilities.* A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. Classification of critical facilities. It is the responsibility of the Town of Berthoud to identify and confirm that specific structures in their community meet the following criteria:
 - a. Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.
 - b. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

- c. These facilities consist of:
 - i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
 - iii. Designated emergency shelters;
 - iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
- d. Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
- e. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town of Berthoud that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Berthoud on an as-needed basis upon request.
- f. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
 - i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - iii. Refineries;
 - iv. Hazardous waste storage and disposal sites; and
 - v. Above ground gasoline or propane storage or sales centers.
- g. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND

the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this Ordinance but exclude later amendments to or editions of the regulations. Specific exemptions to this category include the following:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

- h. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
 - i. Elder care (nursing homes);
 - ii. Congregate care serving 12 or more individuals (day care and assisted living);
 - iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);
- i. Facilities vital to restoring normal services including government operations. These facilities consist of:
 - i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Town of Berthoud that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant

facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Berthoud on an as-needed basis upon request.

2. *Protection for critical facilities.* All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:
 - a. Location outside the Special Flood Hazard Area; or
 - b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.
3. *Ingress and egress for new critical facilities.* New Critical Facilities shall, when practicable as determined by the Town of Berthoud, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Berthoud C.I.D. 80296 State Colorado

Reviewed by: Willem Lensink Date of Review: 6/20/2023

Community Floodplain Management Regulations Reviewed by (circle one): FEMA **State** Other: (Agency Name) _____

Reviewer's Determination: / / The floodplain management regulations are compliant. / / The floodplain management regulations are not compliant.

Approved by: _____ (FEMA only) Date of Approval: / /

The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Floodplain Management Regulations at Title 44 Code of Federal Regulations (CFR) Part 59 and 60 for the complete description of the required minimum criteria. Below the "Level of Regulations" column, you can indicate whether the community ordinance meets or exceeds the respective provision in the non-shaded areas.

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
ORDINANCES MUST CONTAIN THE FOLLOWING PROVISIONS:						
1. Citation of Statutory Authority						30-1-103 & 30-12-101
2. Framework for administering the ordinance (including permit system, establishment of the office for administering the ordinance, record keeping, etc.).						30-12-104(A-C)
3. Adequate enforcement provisions (including a violation and penalty section specifying actions the community will take to assure compliance).						30-12-104(E)
4. Variance section with evaluation criteria and insurance notice. [60.6(a)]						30-12-104(D)
5. Effective Date: Adoption Date:						
6. Signature of Appropriate Official and Certification Official.						

¹ If a community has both floodways and coastal high hazard areas, it must meet the requirements of both level 60.3(d) and 60.3(e).

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
OTHER PROVISIONS AND ACTIONS THAT MAY BE NECESSARY TO MAKE THE ORDINANCE LEGALLY ENFORCEABLE AND ENSURE THAT IT CAN BE PROPERLY ADMINISTERED:						
7: Purpose section citing health, safety, and welfare reasons for adoption.						30-12-101(B)
8: Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.						30-12-103(G)
9. Abrogation and Greater Restriction section. (e.g., This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.)						30-12-103(E)
10. Severability section. (e.g., If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)						30-12-103(H)
11. Public hearing (State/local laws may require hearings)						30-8-106
12. Publication (State/local laws may require public notices)						4.8

9/19/2023

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
MINIMUM NFIP CRITERIA:						
13. Definitions: [59.1] __ Base Flood; __ Base Flood Elevation; __ Development; __ Existing manufactured home park or subdivision; __ Expansion to an existing manufactured home park or subdivision; __ Flood Insurance Rate Map; __ Flood Insurance Study; __ Floodway; __ Lowest Floor; __ Manufactured Home; __ Manufactured Home Park or Subdivision; __ New Construction; __ New Manufactured Home Park or Subdivision; __ Recreational Vehicle; __ Special Flood Hazard Area; __ Start of Construction; __ Structure; __ Substantial Damage; __ Substantial Improvement; __ Violation; Other Definitions as appropriate such as __ Floodproofing; __ Highest adjacent grade for community's with mapped AO Zones; __ Historic Structures						30-12-102
14. Adopt or reference correct Map and date. [60.3(b)]						30-12-103(B)

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NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
(If the community has an automatic adoption provision in its ordinance, is it valid?)						
15. Adopt or reference correct Flood Insurance Study and date. [60.3(c), (d), and/or (e)] (If the community has an automatic adoption provision in its ordinance, is it valid?)						30-12-103(B)
16. Require permits for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain. [60.3(a)(1)]						30-12-104(C)
17. Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]						30-12-104(C)
18. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]						30-12-104(B)(4)
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement of the structure. [60.3(a)(3)(i)]						30-12-105(A)(5) & 30-12-104(3)

9/19/2023

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
(b) Use of flood-resistant materials. [60.3.(a)(3)(ii)]						30-12-105(A)(3)
(c) Construction methods and practices that minimize flood damage. [60.3(a)(3)(iii)]						30-12-105(A)(2)
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry to accumulation. [60.3(a)(3)(iv)]						30-12-105(A)(4)
20. Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding [60.3(a)(4)]. If a subdivision or other development proposal is in a flood-prone area, assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]						30-12-105(G)(1)
(b) Public utilities and facilities are constructed so as to minimize flood damage. [60.3(a)(4)(ii)]						30-12-105(G)(5)
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]						30-12-105(G)(4)
21. Require new and replacement water supply and sanitary sewage systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) and 60.3(a)(6)]						30-12-105(A)(6-7)

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NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
22. Require onsite waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]						30-12-105(A)(8)
23. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]						30-12-105(G)(3)
24. In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for floodproofing or elevating non-residential structures to or above the base flood level. [60.3(b)(4)]						30-12-104(B)(7)
25. Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing elevations for new and substantially improved construction. [60.3(b)(5)]						30-12-104(B)(1)
26. In riverine areas, notify adjacent communities of watercourse alterations and relocations. [60.3(b)(6)]						30-12-104(B)(10)
27. Maintain the carrying capacity of an altered or relocated watercourse. [60.3(b)(7)]						30-12-104(B)(11)

NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]						30-12-105(A)(5)
29. Require all new and substantially improve <u>residential</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the Base Flood Elevation. [60.3(c)(2)]						30-12-105(B)(1) – language includes CO higher standard 1 foot freeboard requirement.
30. ² In AO Zones, require that new and substantially improved <u>residential</u> structures have their lowest floor (including basement) to or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]						30-12-105(C)(1) – language includes CO higher standard 1 foot freeboard requirement.
31. Require that new and substantially improved <u>non-residential</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the Base Flood Elevation. [60.3(c)(3)]						30-12-105(B)(2) – language includes CO higher standard 1 foot freeboard requirement.
32. ² In AO Zones, require new and substantially improved <u>non-residential</u> structures have their lowest floor elevated or completely floodproofed above the highest adjacent						30-12-105(C)(2)

² Item 30 and 32 are not required if the community has no AO Zones.

NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]						
33. Require that for floodproofed non-residential structures, a registered professional engineer/architect certify that the design and methods of construction meet requirements at 60.3(c)(3)(ii). [60.3(c)(4)]						30-12-104(C)(3)
34. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in 60.3(c)(5). (Openings requirement)						30-12-105(B)(3)
35. ³ Until a regulatory floodway is designated, no encroachment may increase the Base Flood level more than 1 foot. [60.3(c)(10)]						30-12-104(B)(8) – language includes CO higher standard one-half foot rise.

³ Item 35 is not required if all streams have floodways designated.

NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
36. ⁴ In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]						30-12-105(C)(1)
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is to or above the Base Flood Elevation and be securely anchored: (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)]						30-12-105(B)(4) – language includes CO higher standard 1 foot freeboard requirement.

⁴ Item 36 is not required if the community has no AO or AH Zones.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
38. In A-1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(c)(12)]						30-12-105(B)(4)(a-b) – language includes CO higher standard 1 foot freeboard requirement.
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]						30-12-105(B)(5)(a-c)
40. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot. [60.3(d)(2)]						30-12-105(D) & 30-12-102 (“Floodway” definition, language includes CO one-half foot higher standard)
41. In a regulatory floodway, prohibit any encroachment, unless hydrologic and hydraulic analyses prove that the proposed encroachment would not cause an increase in flood levels during the Base Flood discharge. [60.3(d)(3)]						30-12-105(D)(1)
42. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest horizontal structural member of the lowest floor of all new and substantially improved structures. [60.3(e)(2)]						

9/19/2023

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
43. In V1-30, VE, and V Zones, require that all new construction and substantial improvements:						
(a) Are elevated and secured to anchored pilings or columns so that the bottom of the lowest horizontal structural member is at or above the Base Flood Elevation. [60.3(e)(4)]						
(b) A registered professional engineer/architect certify that the design and methods of construction meet elevation and anchoring requirements at 60.3(e)(4)(i) and (ii). [60.3(e)(4)]						
(c) Have the space below the lowest floor either free of obstruction or constructed with breakaway walls. Any enclosed space shall be used solely for parking, building access, or storage. [60.3(e)(5)]						
(d) All new construction must be landward of mean high tide. [60.3(e)(3)]						
(e) Prohibit use of fill for structural support. [60.3(e)(6)]						
(f) Prohibit alterations of sand dunes and mangrove stands, which would increase potential flood damage. [60.3(e)(7)]						
44. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7):						

9/19/2023

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d 1	e ¹	
(i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; (iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(e)(8)]						
45. In V1-30, VE, and V Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers that are not less than 36 inches in height above grade and securely anchored. [60.3(e)(8)(iv)]						
46. In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(e)(9)]						

9/19/2023

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community	C.I.D.	State
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Reviewed by: _____ Date of Review: _____

Comments

[illegible]

**TOWN OF BERTHOUD
RESOLUTION NO. 2021-2**

**A RESOLUTION Approving the National Floodplain Insurance Maps by
Reference**

WHEREAS, FEMA routinely updates the National Floodplain Insurance Maps, which reflect changing conditions of the area; and

WHEREAS, FEMA follows a lengthy public process in adopting new Floodplain maps, including a public hearing held within the Town

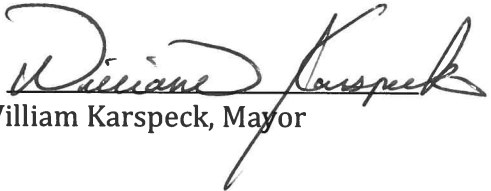
WHEREAS, To participate and remain in good standing in the National Floodplain Insurance program, the Town must formally adopt the proposed Floodplain Insurance Maps,

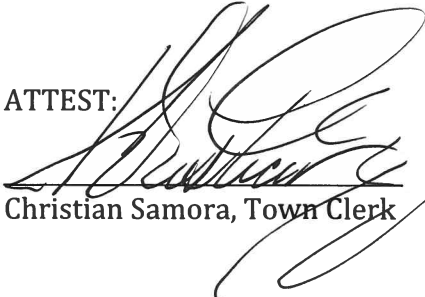
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO AS FOLLOWS:

The proposed revised National Flood Plain Insurance Maps are hereby adopted.

PASSED, ADOPTED AND APPROVED THIS JANUARY 12, 2021.

TOWN OF BERTHOUD

BY: 
William Karspeck, Mayor

ATTEST: 
Christian Samora, Town Clerk





Town of Berthoud Planning Commission
Town Hall
807 Mountain Avenue
Thursday, August 24, 2023, at 6:00 p.m.

1. **Call to Order** – The Planning commission convened a regular meeting on August 24, 2023.

Commissioner Anderson called the meeting to order at 6:01 p.m.

2. **Pledge Of Allegiance**

3. **Roll Call** – Members Present:

Karen Anderson	Chairperson
Chris Kurts	Vice Chairperson
John Van Benthem	Secretary
Melissa Feldbush	Commissioner
Nick Semedallas	Commissioner
Abigail Smith	Commissioner
Brett Wing	Commissioner

Staff:	Anne Johnson	Community Development Director
	Teri Reger	Planning Technician

4. **Approval Of Meeting Minutes** – Minutes from the August 10, 2023, Planning Commission Meeting.

MOTION made by Commissioner Wing to APPROVE the Minutes from August 20, 2023.

SECONDED by Commissioner Van Benthem.

With those all favor, THE MOTION CARRIED.

5. **Public Hearing: Flood Prevention Code**

Introduction By: introduction and presentation by Anne Johnson.

MOTION made by Vice Chairperson Kurtz to forward a recommendation of approval to adopt the Town of Berthoud Flood Damage Prevention Code as Section 12 to Chapter 30 of the Berthoud Municipal Code.

SECONDED by Secretary Van Benthem

Public Comment was opened at 6:37 p.m.

Public Comment was closed at 6:37 p.m.

With all in favor, THE MOTION CARRIED.

6. Public Hearing: Amendment to Chapter 30 Of Berthoud Municipal Code

Introduction and presentation by Anne Johnson.

Public Comment was opened at 7:33 p.m.

Public Comment was closed at 7:33 p.m.

MOTION MADE by Commissioner Smith to forward a MOTION OF APPROVAL to the Town Board of Trustees for an amendment to the Municipal Code including Sections 30-6-112, 30-1-116, the Definition Section, 30-5-102, 30-3-106, Table 3.3, Chapter 30-7 and Section 18-4-15.A with the following condition that the phrase “except for” be added to 30-7-105A.

SECONDED by Vice Chairperson Kurtz

With all in favor, THE MOTION CARRIED.

7. Report By Staff

Anne Johnson reported that Planning Commission will see the following in the near future:

- Upcoming Code Changes including Telecommunications, Dark Sky, and Signage
- The upcoming Landscape Guidelines will also include sample Maintenance Plans for natural and commercial areas.
- Introduction of Teri Reger as Planning Technician

Anne Johnson indicated the following land use applications were heard or will be heard by the Town Board of Trustees in the future:

- Westside Crossing provided the Traffic Memo and the Town Engineer found it to be compliant. The Board of Trustees did approve the motion with an added condition to investigate a Bus Stop in the area. CDOT will receive a referral.
- Ludlow Farms Silver Annexation

Commissioner Kurtz asked if there had been any noticeable changes to the amount of building permits being issues in the Town.

- Staff: Building has been very busy with residential permits and some commercial permits.
- Commissioner Feldbush stated that it's getting harder for commercial builders to get loans where they used to require 20% down now its more in the 30-40% range.
- Commission Wing noted that he's seeing a lot of For Sale signs in certain areas. Commission Feldbush stated that the properties that are \$1.5 million area are not moving quickly at this time.

8. Adjourn -

The meeting was adjourned at 8:11 p.m.

CHAIRPERSON

SECRETARY

TOWN OF BERTHOUD, COLORADO

NOTICE OF PUBLIC HEARING
Adoption of the Town of Berthoud Flood Damage Prevention Code
Chapter 30, Section 12

PUBLIC NOTICE IS HEREBY GIVEN of public hearings before the Berthoud Planning Commission on Thursday, August 24, 2023 at 6:00 p.m. and before the Town Board on Tuesday, September 12, 2023 at 6:30 pm to consider adoption of the Town of Berthoud Flood Damage Prevention Code in Chapter 30, Section 12, of the Berthoud Development Code. The public hearings will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this 22nd day of July, 2023.

Published: Loveland Reporter Herald July 22, 2023-1991566

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Larimer
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Loveland Reporter Herald*.
2. The *Loveland Reporter Herald* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Larimer County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Loveland Reporter Herald* in Larimer County on the following date(s):

Jul 22, 2023


Signature

Subscribed and sworn to me before me this

24th day of July 2023


Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

Account: 1051549
Ad Number: 1991566
Fee: \$17.40

BOARD OF TRUSTEES INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT

Meeting Date:	September 12, 2023
Agenda Title/Subject:	Public Hearing to consider an amendment to the Municipal Code including Sections 30-6-112, 30-1-116, the Definition Section, 30-5-102, 30-3-106, Table 3.3, Chapter 30-7 and Section 18-4-15.A Ordinance 1322 (2023)
Type of Item:	Public Hearing
Purpose:	Request for approval to amend certain provisions in the Municipal Code through Ordinance 1322 (2023)
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Ordinance 1322
- Exhibit A to Ordinance 1322 (2023)
- Legal Publication
- Draft Planning Commission Minutes from August 24, 2023

BACKGROUND:

It is necessary to update the Municipal Code to keep pace with the Comprehensive Plan update, to clarify intent of the Land Use Code, and to provide surety and transparency in the land use application process.

UPDATE/NEXT STEPS:

After the Planning Commission public hearing, the Board of Trustees will hear the request to amend the Code at their hearing on September 12, 2023. If approved, future development proposals will be required to provide information requested and will be afforded a more clear path forward with land use applications.

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.

RECOMMENDED ACTION(S):

At their August 24, 2023 public hearing, Planning Commission voted to forward their recommendation of approval to the Town Board of Trustees. Draft Planning Commission minutes are attached.

See suggested motions below and note that these are suggestions and may be amended by the Town Board of Trustees.

Suggested Motion for Approval:

I move to approve the proposed changes to Titles 30 and 18 of the Berthoud Municipal Code. This recommendation of approval is outlined in the attached Ordinance 1322 (2023) and includes supporting information in the Ordinance attachment.

Suggested Motion for Denial:

I move to deny the proposed changes to Titles 30 and 18 of the Berthoud Municipal Code for the following reasons: _____.

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1322
(SERIES 2023)**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO AMENDING THE
FOLLOWING SECTIONS OF THE LAND USE CODE:
30-6-112 TO REFINE APPLICATION REQUIREMENTS FOR SITE PLANS; 30-1-116 AND
TABLE 3.3 TO AMEND THE DEFINITION OF CHILD CARE HOME AND TO SEPARATE
THE DEFINITIONS OF INN AND INTEGRATE; 30-5-102 TO UPDATE THE CONSTRUCTION
SITE COMPLIANCE REGULATIONS; 30-3-106 TO CLARIFY THE PURPOSE OF A
CONDITIONAL USE PERMIT; CHAPTER 30-7 TO CLARIFY THE INTENT OF THE SIGN
CODE TO MEET INTERNATIONAL DARK SKY STANDARDS;
AND AMEND SECTION 18-4-15.A TO CLARIFY DISPOSAL OPTIONS OF DECEASED
ANIMALS**

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

WHEREAS, the Town wishes to amend sections of the Municipal Code to remain consistent with the intent of the 2021 Comprehensive Plan update and to clarify the intent of application requirements and development standards; and

WHEREAS, the Planning Commission, after proper notice, has held a public hearing on August 24, 2023 on this ordinance providing for a recommendation of approval from the Town Board of Trustees; and

WHEREAS, the Board of Trustees, after proper notice has held a public hearing on this ordinance providing for the adoption of said code amendments pursuant to C.R.S. Section 31-16-203; and

WHEREAS, the Development Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth;

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

Section 1. That Chapter 30, Sections 30-6-112, 30-1-116, Table 3.3, Sections 30-5-102, 30-3-106, Chapter 30-7, and Section 18-4-15.A as set forth in Exhibit A, attached is hereby adopted;

Section 2. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Municipal Code of the Town of Berthoud by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all

property actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. The provisions of this ordinance shall take effect thirty days after publication as required by law, and shall apply to all development and construction permitted after such date.

INTRODUCED, READ, ADOPTED, AND APPROVED on this 12th day of September, 2023.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

Note for the reader: The narrative following each “Section” statement is information provided for background on the proposed amendment and is not intended as Code material.

EXHIBIT A:

Section 1: To refine the intent, process and application requirements for administrative Site Plans.

The Criteria for approval contains requirements for any new construction such as setbacks rather than reflecting on the goals and visions exemplified in the Comprehensive Plan update as well as the design and development standards of the Town. To refine the intent, process and application requirements for administrative Site Plans.

30-6-112 Site Pplan Review

- A. *Site Plan Review Purpose*. The site plan review process is a prerequisite to obtaining a building permit for all multi-family (excluding duplexes), commercial, and industrial developments in accordance with the land use table contained in the Zoning Section of this Chapter. The site plan review process shows how the lot will be developed so that the Town can ensure ~~that~~ the site design will be in compliance with the Development Code and all overlay districts, standards and specification, and master plans affecting the property. ~~all Town regulations and this Code.~~
- B. *Site Plan process*.
1. *Site Plan application*.
 - f. Final landscape, ~~and~~ open space, and buffer plan. Provide a plan illustrating an existing and proposed landscape materials, materials to be removed and those to be retained, a plan for open space and appropriate buffering for commercial and industrial properties. The buffer plan shall be made in accordance with the Commercial and Industrial Standards Section and the Commercial and Industrial buffering and screening techniques Standards of the Municipal Code and shall also contain an open space plan consistent with this Section. Provide a landscape maintenance plan inclusive of irrigation practices for different planting areas, weed control, replacement of diseased or dead materials, and mowing. Provide the location of all proposed meters and backflow devices.
 - g. Final irrigation plan. Provide a plan illustrating how the proposed landscape material will be irrigated.
 - h. Hydrozone analysis. Provide an analysis of the proposed consumption of potable and non-potable water for both interior and exterior uses. Indicate the intended source of water for potable and non-potable uses.
 - ig. Exterior elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
 - j. Development sign plan. Provide a plan illustrating a unified signage plan for the development. Illustrate how the sign will be integrated into the overall site inclusive of landscape materials.
 2. *Application certification of completion*. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any
-

deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town ~~Clerk~~. The original application and all documents requiring a signature shall be signed in blue ink.

3. *Staff reviews application and prepares comments.* Staff will review the application materials site plan map to ensure it is consistent with the site plan review criteria, the Comprehensive Plan and any overlay districts affecting the property. Staff will forward the application materials to appropriate referral agencies. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for approval. This report will be forwarded to the applicant.

4. *Applicant addresses staff comments.* Applicant shall make all necessary changes to the site plan application materials and resubmit a revised copy to the Town.

5. *Development Agreement.* Staff may require that the applicant execute a Development Agreement as detailed in this Chapter of the Municipal Code to assure the construction of on-site and off-site improvements as a condition of approval of the site plan.

8. *Post approval actions.*

a. *Building Permit.* A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

b. *Phasing and expiration of approval.* The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three years from the date of Phase I approval.

c. Application process conclusion. The applicant shall satisfy all conditions of approval and provide adequate information to Town Staff. Once materials have been completed to the satisfaction of Staff and in accordance with the approval, the applicant shall finalize the Development Agreement, if not completed, and shall provide materials requested by Staff to Staff for recording with the records of the County Clerk and Recorder.

C. *Site Plan review criteria.* In addition to all requirements of this Code, the site plan must meet the following review criteria:

~~1. All of the information required on a site plan is shown.~~

~~2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.~~

~~3. No buildings or structures infringe on any easements.~~

~~4. The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.~~

~~5. The density and dimensions shown conform to Section 3: the particular zoning district the project site is located within Zoning.~~

~~6. The applicable provisions of this Chapter have been met and the proposed improvements conform to this Chapter and the Comprehensive Plan.~~

1. Application materials are complete.

2. The proposed land use will satisfy all applicable provisions of the zoning code, overlay districts, and subdivision regulations unless a variance is being concurrently requested.

-
3. The proposed land use will conform with or further the goals, policies and strategies set forth in the Town of Berthoud Comprehensive Plan.
 4. The proposed land use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
 5. The proposed land use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.
 6. The proposed land use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
 7. Potential negative impacts of the proposed land use on the rest of the neighborhood or of the neighborhood on the proposed land use have been mitigated through setbacks, architecture, screening, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.
 8. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

D. Amendments to approved Site Plans.

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
2. Changes to approved site plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. ~~Such amendments shall require Planning Commission review and approval to become effective.~~ A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

Section 2: To clarify the permit intent, process and requirements for a Use by Special Review. A Use by Special Review may have conditions of approval and development standards. Uses by Special Review may be approved, denied, or approved with conditions. The changes proposed do not alter the permitting process. The changes proposed clarify the terminology and includes more robust review criteria and expectations for application materials as well as reflecting on the goals and visions exemplified in the Comprehensive Plan update and the design and development standards of the Town. Note for Muni Code, throughout Chapter 30, the words “Conditional Use(s)” shall be replaced with “Use by Special Review.”

30-3-106 Conditional Uses, Use by Special Review

- A. *Purpose.* In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a Use by Special Review conditional use or use by special review permit. ~~For purposes of this Section, the term conditional use applies to both conditional uses and uses by special review.~~ Because of their unusual or special characteristics, these conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between adjacent land conditional uses, surrounding properties, the vision of the Comprehensive Plan for the property and surrounding area, applicable overlay districts, and the Town at large. Use by Special Review permits Conditional uses may be permitted, denied or permitted subject to conditions of approval, such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses proposed in the permit application will be in accordance with the Conditional UseUse by Special Review criteria. The scope and elements of any Use by Special Review conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for a Use by Special Review Conditional Use Permits shall be denied.
- B. ~~Conditional Use~~ by Special Review process.
1. ~~Optional Pre-application conference.~~ The applicant ~~shall~~may attend a pre-application conference with a representative from the Town. The purpose of the meeting is to discuss the conditional-proposed use, submittal requirements and review process.
 2. ~~Conditional Use by Special Review~~ application submittal. The applicant shall submit the complete conditional use application package to the Town. The application ~~and shall request that the application~~ be reviewed by Town staff, the Planning Commission and Board. Application materials Conditional use requests shall include the following:
 - a. Land use application form.
 - b. Application fee and fee agreement.
 - c. Use by Special Review map – the map shall be a minimum of 18 inches by 24 inches and shall provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (no greater than one inch equals 50 feet) and date of preparation.
 - iii. Vicinity map.
 - iv. Address of project.
 - v. Legal description of property.
 - vi. Name, address and phone number of property owner.
 - vii. Name, address and phone number of person or firm responsible for plan.
 - viii. Lot size (square footage).
 - ix. Bearings and distances of all lot lines.
 - x. Existing and proposed easements and rights-of-way.

-
- xi. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
 - xii. Gathering areas for people.
 - xiii. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
 - xiv. Existing and proposed two-foot contours.
 - xv. Existing waterways on or adjacent to the site.
 - xvi. Finished floor elevations for all structures.
 - xvii. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
 - xviii. Existing structures and their use.
 - xix. Square footage of the proposed building(s) and the footprint of the proposed building(s).
 - xx. Proposed structure height.
 - xxi. For commercial and industrial uses, the type of activity and number of employees.
 - xxii. For multi-family residential, the number of residential units and bedrooms per unit.
 - xxiii. Location of proposed signs and lights.
 - xxiv. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.
 - xxv. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).
 - xxvi. Trash disposal areas and enclosures including specifications for enclosures.
 - xxvii. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
 - xxviii. Location and size of water and sewer lines to which the service connections will be or are made.
 - xxix. Location and size of water meter(s).
 - xxx. Location and size of backflow-prevention devices.
 - xxxi. Indication of how and where perimeter drain will drain (if one exists).
 - xxxii. Location of existing electrical lines and poles on or adjacent to the site.
 - xxxiii. Location of proposed electrical service connection and meter location.
 - xxxiv. Location of electric transformer.
 - xxxv. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.
 - xxxvi. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
 - xxxvii. The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.
 - xxxviii. A land use chart (table).
 - xxxix. Certificate blocks for signatures of owner, surveyor, utility providers, and Town approval, as applicable. Refer to the Site Plan section of this Chapter for examples.
- db.** Title commitment. The title commitment must be current and dated no more than 30 days from the date of conditional use application submittal.
-

~~ee.~~ Written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how the criteria for approval of a Use by Special Review can be met~~all conditional use review criteria have been satisfied.~~

~~d.~~ A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.

~~fe.~~ Exterior elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information. ~~Preliminary building plans and elevations. Provide sufficient detail to indicate the dimensions, general appearance and scale of all buildings to illustrate how the proposed structure(s) will be consistent with the Architectural Guidelines and any Overlay Districts identified in this Chapter.~~

~~g.~~ Certified drainage report – A certified drainage report, including an erosion control study and plan.

~~h.~~ Final landscape, open space, and buffer plan. Provide a plan illustrating existing and proposed landscape materials, materials to be removed and those to be retained, a plan for open space and appropriate buffering for commercial and industrial properties. The buffer plan shall be made in accordance with the Commercial and Industrial Standards Section and the Commercial and Industrial buffering and screening techniques Standards of the Municipal Code and shall also contain an open space plan consistent with this Section. Provide a landscape maintenance plan inclusive of irrigation practices for different planting areas, weed control, replacement of diseased or dead materials, and mowing. Provide the location of all proposed meters and backflow devices.

~~i.~~ Final irrigation plan. Provide a plan illustrating how the proposed landscape material will be irrigated.

~~j.~~ Hydrozone analysis. Provide an analysis of the proposed consumption of potable and non-potable water for both interior and exterior uses. Indicate the intended source of water for potable and non-potable uses.

~~k.~~ Development sign plan. Provide a plan illustrating a unified signage plan for the development. Illustrate how the sign will be integrated into the overall site inclusive of landscape materials.

~~lg.~~ Surrounding and interested property ownership report — Provide the Town with a current list and set of mailing labels (not more than 30 days old) of the names and addresses of the surrounding property owners (within 300 feet of the property), mineral interest owners and mineral and oil and gas lessees of record for the property, and appropriate ditch companies. The applicant shall certify that the report is complete and accurate and provide the source of the information.

~~mf.~~ Such additional material as the Town may prescribe or the applicant may submit pertinent to the application.

3. ~~Conditional Use~~ by Special Review permit application certification of completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.

4. Staff reviews application and prepares comments. Staff will review the application to ensure it is consistent with the review criteria. Referral agencies will also have the opportunity to review the application materials and provide comments to Town staff. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the application materials can be recommended for approval, conditional approval, or if staff will be recommending denial of the application. This report and all referral agency responses will be forwarded to the applicant.

5. Applicant addresses staff comments. Applicant shall make all necessary changes to the application materials and resubmit a revised copy to the Town.

6. Development Agreement. Staff may require that the applicant execute a Development Agreement as detailed in this Code to assure the construction of on-site and off-site improvements as a condition of approval of the Use by Special Review permit.

74. Set ~~Conditional Use~~ public meeting and hearing dates and notify public. The Town shall send notice of the public meeting with the Planning Commission and public hearing with the Town Board to the applicant, all property owners of record within 300 feet of the property in question, and all mineral interest owners of record, oil and gas lessees for the property, ~~and to the appropriate referral agencies per this Code.~~ The ~~notice referral information~~ shall include the time and place of the public meeting and hearing, the nature of the meeting/hearing, the location of the subject property, appropriate background information and the applicant's name. The Town shall publish notice for both the meeting and hearing in a newspaper of general circulation. The Town shall also prepare a notification sign to be posted on the property by the applicant. If the ~~conditional use~~ request is accompanying another application which is scheduled for a public meeting or hearing, such public meeting or hearing may be combined on both applications.

85. Planning Commission review of the ~~Conditional Use~~ application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the ~~conditional use~~ review criteria. The Planning Commission will then recommend to the Board approval, approval with conditions or denial.

96. Board public hearing and action on the ~~Conditional Use~~ application. The Board shall hold a public hearing on the ~~conditional use~~ application. Following the public hearing, the Board may approve, conditionally approve or deny the ~~conditional use~~ application based on the ~~conditional use~~ review criteria. A ~~conditional use~~ permit may be revocable, may be granted for a limited time period, and may be granted subject to such other conditions as the Board may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, any standards for maintenance of buildings and grounds, and any development schedules.

10. Application process conclusion. The applicant shall satisfy all conditions of approval and provide adequate information to Town Staff. Once materials have been completed to the satisfaction of Staff and in accordance with the direction of the Board, the applicant shall finalize the Development Agreement, if not completed, and shall provide materials requested by Staff to Staff for recording with the records of the County Clerk and Recorder.

C. ~~Conditional Use review~~ Review criteria. The Town may approve a conditional use application if it finds that each of the following criteria are satisfied:

1. Application materials are complete.
2. The ~~conditional-proposed land~~ use will satisfy all applicable provisions of the zoning code, overlay districts, and subdivision regulations unless a variance is being concurrently requested.
2. The ~~conditional-proposed land~~ use will conform with or further the goals, policies and strategies set forth in the Town of Berthoud Comprehensive Plan.
3. The ~~conditional-proposed land~~ use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
4. The ~~conditional-proposed land~~ use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.
5. The ~~conditional-proposed land~~ use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. Potential negative impacts of the ~~conditional-proposed land~~ use on the rest of the neighborhood or of the neighborhood on the ~~conditional-proposed land~~ use have been mitigated through setbacks, architecture, screening walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.
7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

30-3-104 - Principal and conditional uses permitted by zoning district

- A. *General application of uses.* Uses designated as "principal uses" are allowed in a zone district as a matter of right. Uses classified as a Use by Special Review "conditional-uses" are permitted upon approval of a Use by Special Review conditional-use permit per this Code. Unless a use is designated as a "principal use" or "~~conditional-use~~Use by Special Review" or is classified as a legal "non-conforming" structure or use, it is not permitted.

Land uses not otherwise identified in this Code may be proposed. In order to allow such uses, the new or unlisted land use must be determined to be "similar" to either a principal or Use by Special Review conditional-use listed within that zone district. "Similar" shall mean that the use can be reasonably interpreted to fit into a similar use category as identified in this Code. Town Administration will make a written determination regarding any request for a land use not listed in this Code. If a determination is made that the proposed use is similar to either a listed principal or Use by Special Review conditional-use, it will be processed as a Use by Special Review conditional use under the provisions of this Code.

Section 3: Amend the definition section of the Land Use Code to incorporate changes to child care rules and regulations enacted by the State of Colorado.

30.1.116.A

65. *Child care home* means a residential home providing care to no more than ~~six~~ **twelve** children.

~~66. *Child care home, large* means a family child care home that provides care for seven to 12 children.~~

Table 3.3

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
☒ Principal Use by Right											
☐ Conditional Use <u>by Special Review</u>											
<i>Residential land uses</i>											
Child care home (up to 6 12 persons)	☒	☒	☒	☒	☒	☒		☒			
Child care home, large	☒	☐	☐	☐	☐	☐		☒			

Section 4: To clarify the intent of Section 18.4-15 for animal disposal following death.
18-4-15 Disposal of Dead Animals

- A. If any animal dies in the Town, it shall be the duty of the keeper of the animal to cause the animal to be at once ~~removed from the Town and~~ buried at a sanitary landfill, cremated, or rendered at a professional rendering service facility. No person shall dispose of any dead animal by dumping said animal on any public or private property or disposing of the animal by any means other than those set forth in this Section B. In the event the owner of any such animal shall neglect or refuse to remove the same within 24 hours after its death, the Town may cause the animal to be removed at the expense of such owner.

Section 5: To separate the definition of “Inn” and “Integrate” found in Section 30-1-116. 208 and renumber subsequent definitions accordingly.

- **208.** *Inn* means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are less than 12 guest rooms.
- **209.** *Integrate* means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping) to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.

Section 6: To clarify the intent of keeping construction sites in compliance with State regulations regarding stormwater management, sites clear of debris, and to establish standards mitigating common construction impacts.

30-5-102 Construction Rules and Regulations

A. *Applicability and Purpose.* This section shall apply to all new development or re-development construction projects that include work visible to the public within the Town except for the renovation of an individual single-family home.

To ensure ~~all that any~~ Construction Activity conducted within the Town is done in the most sensitive manner possible and to minimize impacts ~~to guests and Owners~~, the following Construction Regulations shall be enforced during the construction period of all development projects unless otherwise approved by the Town. This document shall be known as the "Construction Rules and Regulations" and may be referred to herein as the "Regulations." The Town has the power to amend these Regulations from time to time, ~~following notice requirements outlined in this Chapter without notice~~. Each Owner shall ensure that all Construction Activity ~~that is performed~~ on their Construction Site shall be performed in accordance with the following requirements. Anyone found in violation of these ~~Regulations rules~~ shall be subject to citation, fines and other enforcement actions as allowed by the Town Municipal Code and Development Code.

1. Construction Activity is defined as any building, infrastructure, and/or construction related activity conducted outdoors at any time. Interior construction activity ~~in no way~~ conducted ~~entirely indoors~~~~outdoors~~, such as painting and some finishing work, is exempt from the requirements of this ordinance.
2. Large Construction Vehicle is defined as vehicles with more than two axels engaged in activity related to Construction Activity.

B. *Drainage, Erosion Control, and Vegetation Management.* ~~The Town requires the owner or operator of a construction site to receive permit certification issued by the State of Colorado for any proposed construction activity that falls under the category of a General Construction Stormwater Permit as defined by the Colorado Department of Public Health and Environment (CDPHE). In addition, the Town must review, approve and permit a site-specific~~ Stormwater Management Plan (SWMP) submitted by the owner of the construction site ~~prior to the Town approving the construction activity~~. The ~~o~~Owner of the ~~c~~Construction ~~s~~Site is responsible for preparing and submitting ~~the SWMP to the Town such plans~~. In no event shall silt, mud, debris, or other stormwater related issues be allowed to accumulate on lots, roads, Rights-of-Way (ROW), or other public areas for more than 72 hours.

1. In addition to implementing, monitoring, and updating the SWMP throughout construction, the Owner shall not allow standing water ~~exceeding an area of areas over~~ 25 square feet to remain in place longer than 72 hours. Temporary pumps and associated piping may be used to remove areas of standing water ~~and but shall must~~ conform to ~~any~~ best practices identified in the SWMP.
2. All open space areas in each phase ~~of a development shall are to~~ be seeded or landscaped pursuant to ~~the~~ approved SWMP, ~~erosion control plan, and approved or~~ Landscape Plans prior to ~~the time when~~ 51 percent of the ~~building permits are being~~ issued in said phase. Delays associated with weather will not be granted.
3. Any material storage on site shall be done in such a way that proper vegetation management can continue unimpeded.

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- C. *Construction Equipment and Material Storage.* Each Owner or Owner's Representatives and their contractors shall ensure ~~that~~ all construction material is stored in a designated materials storage area. Such storage area shall only be located on lots with approved permits and shall be located to minimize the visual impact from adjacent properties and roadways. Construction materials shall not be stored in the Right-of-way for more than 72 hours without prior approval from the Town. Any materials stored with in Right-of-way shall not impede pedestrian and/or vehicular traffic and shall be marked with high visibility cones or other signage.
- D. *Debris and Trash Removal.* Owners, Owner's Representatives, and their contractors shall be responsible for assuring~~that~~:
1. ~~At the end of each day, all trash and debris on the Construction Site is cleaned up and stored in proper containers~~ ~~or organized piles~~ and not permitted to be blown about the Site or adjacent property, and
 2. ~~At least once a week, all trash and debris are removed from the Construction Site to a proper~~ ~~dumpsite located off the Property.~~
 3. All trash and debris containers shall be located on the Construction Site. ~~kept~~ off the road right-of-way, and not on including sidewalks ~~or~~, ~~and~~ adjacent property except for in pre-approved storage areas. Any trash and debris containers shall be set in such a way that they do not create visual barriers for traffic and pedestrians. Determination of such barriers shall be at the sole discretion of the Town.
- E. *Construction Hours and Noise.* Construction Activities shall be limited to the following hours of operation:
1. Monday through Friday: 7:00 a.m.; 7:00 p.m. or Sundown, whichever occurs earlier
 2. Saturday: 8:00 a.m. — 7:00 p.m. or Sundown, whichever occurs earlier
 3. Sunday: 9:00 a.m. — 4:30 p.m.;
 4. Entrance to Construction Sites work site for SET-UP only, is permitted one half hour prior to hours of operation. (e.g. M—F 6:30 a.m. — ~~Sat. 7:30 a.m.~~) During the half-hour set-up, the operation of heavy equipment, compressors, impact tools, or any activity that creates loud noise shall be prohibited. At all times each Owner shall use reasonable efforts to minimize external noise resulting from Construction Activity. No loud music shall be permitted.
- F. *Large Construction Vehicle Routes.* Delivery and haul routes for all vehicles with more than two axels shall avoid all local or neighborhood roads outside of the construction site. Large Construction Vehicles as defined herein must obey all posted speed limits and traffic regulations within the Town.
- G. *Prohibited General Practices.* All Owners will be responsible for the conduct and behavior of their Owner's Representatives in the Town. The following practices are prohibited within the Town and will result in an automatic fine:
1. Changing oil on any vehicle or equipment on the Construction Site without spill protection, containment and safeguards. This activity shall take place in an approved containment area;
 2. Allowing concrete suppliers and contractors to clean their equipment on any property within the Town of Berthoud lot, roadway, right-of-way, ditch, easement, or other property without prior approval;
 3. Removing ~~any~~ rocks, plant material, topsoil, or similar items from the ~~any~~ property of others within Town;
 4. Using disposal methods or units other than those approved by the Town;
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5. Careless disposition of cigarettes and other flammable materials;
 6. Disturbing or removal of any native plant materials not identified for removal on the approved construction plans;
 7. Disruptive activity including, but not limited to, public drinking, public nuisances, and disturbing the peace;
 8. Working before or after the scheduled construction hours without prior permission;
 9. Driving haul trucks with uncovered loads in the Town.
 10. Storing building or landscape materials within the right-of-way~~ROW~~, even prior to Town acceptance, for more than 72 hours.
- H. *Roadway Maintenance.* Owners and their contractors and sub-contractors shall keep all Town roads and road rights-of-way free and clear of all materials, rubbish, and debris resulting from Owner's Construction Activity and shall repair and revegetate any damage to roads, road rights-of way, landscaping, and other streetscape improvements within the Town caused by Construction Vehicles used in connection with Construction Activity by Owner's or Owner's Representative. ~~Construction Activity~~. No road cuts, deletions, or additions shall be made without a permit from the Town ~~Engineer~~Public Works Director, or their designee. Contractors must keep the Site driveway and all adjacent roads clean from dust, dirt, mud, and debris at all times. If a contractor fails to keep roads clean and if the Town arranges for cleaning, the cost of cleaning will be billed to the Owner, in care of the contractor, at a rate then set by the Town.
- I. *Sanitary Facilities.* On-Site, enclosed, chemical toilets must be available at all times when Construction Activity is taking place on a Construction Site. Chemical toilets shall be located to minimize any adverse impacts on adjacent lots. In no instance shall chemical toilets be placed within any road right-of-way or on the road.
- J. *Signage.* At least one temporary construction sign, a minimum of 12 square feet and a maximum of 32 square feet in size, shall be located within the Site boundary and shall be easily visible and readable from the adjacent roadway or entry to the Site. The sign shall be either attached to construction fencing in a secure method; or posted separately with stable sign supports. Sign posting shall be done in a manner to withstand weather including wind. The sign is temporary and shall be removed following construction completion. The sign must contain the information shown below.
1. Project logo and/or name~~PROJECT LOGO AND/OR NAME~~
 2. Work site address
 3. Developer/Owner name and phone number: ~~[Name and Phone #]~~
 4. -Contractor name and phone number ~~Contractor:~~ ~~[Name and Phone #]~~
 5. Builder name and phone number: ~~[Name and Phone #]~~
 6. CDPHE Number and phone number for CDPHE Inspector
 7. Work Site Rules
-

Section 7: To clarify the Sign Code to meet International Dark Sky requirements.

30-7-101 Purpose and intent

- A. The regulations in this Section are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town. The purpose of these regulations is to:
3. Provide a reasonable balance between the right of an individual to identify ~~their~~ ~~his or her~~ business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
 8. Ensure signs adhere to the Town's Dark Sky regulations.

30-7-102 Sign permits and administration

- C. *Application for a sign permit.*
1. *Sign permit application requirements.* Applications for sign permits shall be made in writing on forms furnished by the Town. The application shall contain:
 - f. A description of the lighting to be used, if applicable and a narrative detailing how the proposed lighting will be compliant with the Town's Dark Sky regulations;
- D. *Sign permit review criteria.* The following review criteria will be used by the Town to evaluate all sign permit applications:
7. Sign would not detract from the pedestrian quality of a street or area, if applicable; ~~and~~
 8. Sign meets the Town's Dark Sky standards; and
 - 9 8. Sign would not add to an over-proliferation of signs on a property or area.

30-7-105 Prohibited signs

- A. *Prohibited signs.* The following privately owned or sponsored signs are inconsistent with the purposes and standards in this Section and are prohibited in all zoning districts.
1. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices, and signs which convey a static digital message such as a price sign at fueling stations.
 2. Electronic messaging signs are prohibited in the Town of Berthoud.

Renumber subsequent sections accordingly.

1~~5~~4. Any sign or sign structure which:

- a. Is internally illuminated.

Renumber subsequent sections accordingly.

30-7-107 Sign design

A. Design compatibility.

1. *Creative design encouraged.* Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town encourages imaginative and innovative sign design.
2. *Proportionate size and scale.* The scale of signs shall be appropriate for the building or property on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade they are mounted upon.
- 4 5. *Landscaping.* Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. A landscape plan for the sign base shall be provided.
- 5 6. *Reduce sign impact.* Because residential and commercial uses generally exist in close proximity, signs shall be designed, located and/or screened with landscaping so that they have little or no impact on adjacent residential neighborhoods. Small-scale signs are encouraged.

B. Sign Illumination

9. Signs shall not be internally illuminated.

10.9. All commercial signs within 150 linear feet of a pre-existing residential structure or use, and visible from that structure, shall be dimmed to one-half the standard illumination level between the hours of 11:00 p.m. and 6:00 a.m. unless the hours outside those listed above are part of the normal business operation. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this Section. Signage facing residential property must be able to extinguish or dim any lighting during the period listed above in order to avoid an unreasonable impact to residential properties. 30-7-109 Allowable sizes and specifications by type of sign

Note to Reader, not for Code: Section 30-7-109 provides details on different types of signage. Each sign type narrative in the Code is followed by a table containing information such as quantity, width and the zone district where the particular sign type is allowed, for example. Electronic signs are described however, Section 30-7-109.F.1 indicates electronic signs are permissible in all zone districts where allowed. This sign type does not have a table containing information such as quantity, width, zone district allowance, etc. The Zone District tables found in Section 3 of Chapter 30 do not include an electronic sign as a permissible use. Staff has deducted that because there are no Zone Districts listed in the Municipal Code where an electronic sign may be permitted that electronic signs are not permitted. Therefore, the following Code Sections are proposed to be deleted to provide clear intent of the City to meet International Dark Sky standards.

30-7-109. F. ~~*Electronic signs.* An electronic sign uses display techniques that contain alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face. Any sign~~

utilizing electronic display techniques in whole or in part must meet Berthoud Dark Sky standards as well as the following operational standards:

1. ~~*Duration.* In all zone districts where allowed, the full sign image or any portion thereof must have a minimum duration of 15 seconds and must be a static display. No portion of the image may flash, scroll, swirl, change color, in any manner imitate movement, or meet the characteristics of a flashing sign.~~
2. ~~*Transition.* In all zone districts where a sign image changes, the change sequence must be accomplished by means of instantaneous re-pixelization.~~
3. ~~*Brightness.* Any electronic sign may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 600 nits (candelas per square meter) between 11:00 p.m. and 6:00 a.m. as measured from the sign's face. If normal business hours are outside of those listed above then the higher level of illumination may be allowed until close of business but no later than 1:00 a.m.~~
4. ~~*Dimmer control.* Electronic signs must have an automatic dimmer control to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes as traffic hazard or is otherwise detrimental to the public health, safety or welfare.~~
5. ~~*Audio or pyrotechnics.* Audio speakers or any form of pyrotechnics are prohibited.~~
6. ~~*Fluctuating or flashing illumination.* No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner creates the illusion of movement.~~
7. ~~*Video display.* No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.~~

TOWN OF BERTHOUD, COLORADO

NOTICE OF PUBLIC HEARING
Amendments to the Berthoud Development Code

PUBLIC NOTICE IS HEREBY GIVEN of public hearings before the Berthoud Planning Commission on Thursday, August 24, 2023 at 6:00 p.m. and before the Town Board on Tuesday, September 12, 2023 at 6:30 pm to consider amendments to Chapter 30, Sections 1-7, of the Berthoud Development Code, and to Chapter 18, Section 4, specifically amending application requirements for Site Plans, amending the definition of child care home, separating the definition of inn and integrate, to update the construction site compliance regulations, to clarify the purpose of a conditional use permit, to clarify the intent of the sign code to meet international dark sky standards and to clarify the disposal of deceased animals. The public hearings will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this 22nd day of July, 2023.

Published: Loveland Reporter Herald July 22, 2023-1991567

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Larimer
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Loveland Reporter Herald*.
2. The *Loveland Reporter Herald* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Larimer County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Loveland Reporter Herald* in Larimer County on the following date(s):

Jul 22, 2023

Signature

Subscribed and sworn to me before me this

24th day of July 2023

Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

Account: 1051549
Ad Number: 1991567
Fee: \$22.33



Town of Berthoud Planning Commission
Town Hall
807 Mountain Avenue
Thursday, August 24, 2023, at 6:00 p.m.

1. **Call to Order** – The Planning commission convened a regular meeting on August 24, 2023.

Commissioner Anderson called the meeting to order at 6:01 p.m.

2. **Pledge Of Allegiance**

3. **Roll Call** – Members Present:

Karen Anderson	Chairperson
Chris Kurts	Vice Chairperson
John Van Benthem	Secretary
Melissa Feldbush	Commissioner
Nick Semedallas	Commissioner
Abigail Smith	Commissioner
Brett Wing	Commissioner

Staff:	Anne Johnson	Community Development Director
	Teri Reger	Planning Technician

4. **Approval Of Meeting Minutes** – Minutes from the August 10, 2023, Planning Commission Meeting.

MOTION made by Commissioner Wing to APPROVE the Minutes from August 20, 2023.

SECONDED by Commissioner Van Benthem.

With those all favor, THE MOTION CARRIED.

5. **Public Hearing: Flood Prevention Code**

Introduction By: introduction and presentation by Anne Johnson.

MOTION made by Vice Chairperson Kurtz to forward a recommendation of approval to adopt the Town of Berthoud Flood Damage Prevention Code as Section 12 to Chapter 30 of the Berthoud Municipal Code.

SECONDED by Secretary Van Benthem

Public Comment was opened at 6:37 p.m.

Public Comment was closed at 6:37 p.m.

With all in favor, THE MOTION CARRIED.

6. Public Hearing: Amendment to Chapter 30 Of Berthoud Municipal Code

Introduction and presentation by Anne Johnson.

Public Comment was opened at 7:33 p.m.

Public Comment was closed at 7:33 p.m.

MOTION MADE by Commissioner Smith to forward a MOTION OF APPROVAL to the Town Board of Trustees for an amendment to the Municipal Code including Sections 30-6-112, 30-1-116, the Definition Section, 30-5-102, 30-3-106, Table 3.3, Chapter 30-7 and Section 18-4-15.A with the following condition that the phrase “except for” be added to 30-7-105A.

SECONDED by Vice Chairperson Kurtz

With all in favor, THE MOTION CARRIED.

7. Report By Staff

Anne Johnson reported that Planning Commission will see the following in the near future:

- Upcoming Code Changes including Telecommunications, Dark Sky, and Signage
- The upcoming Landscape Guidelines will also include sample Maintenance Plans for natural and commercial areas.
- Introduction of Teri Reger as Planning Technician

Anne Johnson indicated the following land use applications were heard or will be heard by the Town Board of Trustees in the future:

- Westside Crossing provided the Traffic Memo and the Town Engineer found it to be compliant. The Board of Trustees did approve the motion with an added condition to investigate a Bus Stop in the area. CDOT will receive a referral.
- Ludlow Farms Silver Annexation

Commissioner Kurtz asked if there had been any noticeable changes to the amount of building permits being issues in the Town.

- Staff: Building has been very busy with residential permits and some commercial permits.
- Commissioner Feldbush stated that it's getting harder for commercial builders to get loans where they used to require 20% down now its more in the 30-40% range.
- Commission Wing noted that he's seeing a lot of For Sale signs in certain areas. Commission Feldbush stated that the properties that are \$1.5 million area are not moving quickly at this time.

8. Adjourn -

The meeting was adjourned at 8:11 p.m.

CHAIRPERSON

SECRETARY

BOARD OF TRUSTEES INFORMATION

COMMUNITY DEVELOPMENT DEPARTMENT



Meeting Date:	September 12, 2023
Agenda Title/Subject:	Public Hearing to adopt Resolution 2023-19 and Ordinance 1323 approving the Annexation of 0.436-acre of land known as “Ludlow Sliver Annexation”; and to accept the Planning Commission recommendation to rezone the subject property to SR – Suburban Residential with the adoption of Ordinance 1324.
Type of Item:	Public Hearing
Purpose:	Request for approval of Annexation and Rezone
Presented by:	Tawn Hillenbrand, Senior Planner

ATTACHMENTS:

- Staff Report
- Annexation Findings of Fact Resolution 2023-19
- Annexation Ordinance 1323
- Change of Zone Ordinance 1324

BACKGROUND:

This proposed Annexation and Rezone is south of and adjacent to the Ludlow Farms property which was annexed to the Town of Berthoud in 2010 and received approval of a Neighborhood Master Plan and Change of Zone in early 2023. The 0.436-acre subject property was inadvertently left out of the original Ludlow Farms property annexation in 2010. This request would address that inadvertent omission.

UPDATE/NEXT STEPS:

If approved, the small sliver of land shall be incorporated into the overall Ludlow Farms project and included in future application submittals.

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. The request seeks to correct an omission from 2010.

PLANNING COMMISSION

The Planning Commission unanimously recommended approval of the Rezone from County RR-2 Rural Residential to SR – Suburban Residential with a 6-0 vote at its hearing on August 10th, 2023.

RECOMMENDED ACTION(S):**Annexation:**

Move to approve the Findings of Fact for the annexation found in Resolution 2023-19 and move to approve Ordinance 1323 annexing the 0.436 acre property into the Town of Berthoud known as the "Ludlow Sliver Annexation", as per the findings found in the attached Staff Reports.

Zoning:

Move to accept the Planning Commission recommendation of approval to rezone of 0.436 acres of land, known as the "Ludlow Sliver Annexation" through Ordinance 1324, to SR – Suburban Residential



STAFF REPORT: LUDLOW SLIVER ANNEXATION AND REZONING

DATE: September 12, 2023

GENERAL INFORMATION

Applicant:	Ludlow Farms, LLC – JM Hinson, Manager	Size: 0.436 acres
Site Location:	This property is located between State Highway 287 and South Berthoud Parkway, approximately one mile south of the intersection of South Berthoud Parkway and Mountain Avenue.	
Applicant's Request:	The Applicant is requesting Annexation and Rezone, from Larimer County RR-2 Rural Residential to SR – Suburban Residential, of 0.436-acres of land.	
Current Zoning:	Larimer County RR2 Rural Residential.	

PROPOSED ZONING DISTRICT INFORMATION

	<u>Suburban Residential (SR)</u>
Max Density	N/A
Min. Lot Size	3,000 sq.ft.
Min. Lot Width	20'
Front Setback	10' rear loaded
Side Setback	5'
Rear Setback	5'
Building Height:	30'

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	SR	Vacant (Planned for future residential development)	N/A
South	County RR-2	Vacant	N/A
East	SR and R1	Vacant (Planned for future residential development)	N/A
West	County RR-2	Vacant	N/A

PUBLIC NOTICE:

Letters mailed to property owners within 500-feet of the subject property for original submittal for comments and for each public hearing; a legal advertisement was published in a local newspaper and run for four consecutive weeks; and a sign was posted on the subject property.

Proposal

The applicant, Ludlow Farms, LLC submitted a petition for annexation of 0.436 acres of land generally located between State Highway 287 and South Berthoud Parkway, approximately one mile south of the intersection of South Berthoud Parkway and Mountain Avenue. In addition to the annexation petition, the applicant requests a concurrent rezone from County RR-2 Rural Residential to SR – Suburban Residential. The Town Board of Trustees accepted the annexation petition at a regularly scheduled hearing on July 25, 2023, and scheduled the annexation for the September 12th Town Board hearing through Resolution 2023-16.

Background

This proposed Annexation and Rezoning request is located south of and adjacent to the Ludlow Farms property which was annexed to the Town of Berthoud in 2010 and received approval of a Neighborhood Master Plan and Rezoning in early 2023. The 0.436-acre subject property was inadvertently left out of the original Ludlow Farms property annexation in 2010, as seen in the image below. This proposed request would address that inadvertent omission. The proposed zoning request is in alignment with the rezoning completed in early 2023 for Ludlow Farms.



Images 1 and 2: Approved Neighborhood Master Plan. Omitted strip of land outlined in red.

Annexation Summary

Staff finds the request substantially complies with the criteria established in Colorado Revised Statutes (C.R.S.) 31-12-104 and with Section 30-8-103 of the Municipal Code for annexation eligibility as follows:

1. The perimeter of the area proposed for annexation **satisfies** the 1/6 contiguity to existing Town limits.
2. **There is a community interest** between this property and the Town of Berthoud.
3. This property **is expected to be urbanized** in the near future and **is capable of being integrated** with the Town of Berthoud.

Rezoning Summary

The applicant has requested to rezone the property from County RR-2 Rural Residential to SR – Suburban Residential. If approved, the resultant zoning would be consistent with the remainder of the Ludlow Farms property to the north. Additionally, the subject property would be incorporated into the overall Ludlow Farms development project and thereby, reflected in the Rezoning and Neighborhood Master Plan approved by the Town in early 2023. The property would be

incorporated into the proposed open space for the development. Obligations for the overall development project would include this sliver of land.

PUBLIC NOTICE AND COMMENT

Notice was mailed to property owners within 500-feet of the subject property for the original submittal for public comments and for each public hearing (Planning Commission and Town Board of Trustees) on July 17, 2023, and August 14, 2023, respectively. A legal advertisement was published in a local newspaper and run for four consecutive weeks taking place on August 10, 17, 23, and 31, 2023. A sign was posted on the subject property on July 13, 2023. As of the date of this packet, no neighbor comments have been received.

REFERRAL AGENCY COMMENT

The application was referred to a variety of referral agencies. Responses were received from the following agencies:

- Baseline Engineering (Town of Berthoud)
- Little Thompson Water District
- Larimer County Engineering
- Xcel Energy
- Berthoud Fire Protection District
- CDOT
- Larimer County Planning

The application was referred to the following referral agencies who did not provide a response:

- Thompson School District
- CenturyLink
- Town Public Works
- Larimer County Health and Environment

The responding agencies expressed that they had no concerns with the proposed request. Baseline Engineering requested some minor corrections to the Annexation and Rezone Map but did not express concern with the overall request. The applicant has addressed Baseline Engineering's comments and submitted a revised Annexation and Rezone Map reflecting the requested revisions. Referral agency comments can be found in the attachments.

PLANNING COMMISSION HEARING:

At the hearing held on August 10th, 2023, the Planning Commission unanimously recommended approval of the request to rezone 0.436-acres of property from County RR-2 Rural Residential to SR – Suburban Residential should the Town Board of Trustees approve the Annexation request.

FINDINGS AND RECOMMENDATIONS

This request contains two separate items, which require a separate set of findings and motions.

Annexation Findings:

Staff recommends to the Town Board of Trustees approval of the annexation of the 0.436-acre property known as the "Ludlow Sliver Annexation" to the Town of Berthoud, finding that:

1. The proposed for annexation satisfies the 1/6 contiguity to existing Town limits.
2. There is a community interest between this property and the Town of Berthoud; and
3. This property is expected to be urbanized in the near future.

Annexation Motion:

Move to recommend approval of the request to annex 0.436 acres of land, known as the "Ludlow Sliver Annexation", into the Town of Berthoud as per the findings of the Resolution 2023-19 and recommend approval of the attached annexation Ordinance 1321.

Rezoning Findings:

Staff recommends to the Town Board of Trustees acceptance of the Planning Commission Recommendation to rezone the 0.436-acre property known as the "Ludlow Sliver Annexation" to SR – Suburban Residential, finding that:

1. The zoning of Suburban Residential and its uses are consistent with the preferred land use plan.
2. The SR – Suburban Residential district would be consistent with the remainder of the Ludlow Farms property to the north and in harmony with other adjacent properties.

Rezoning Motion:

Move to accept Planning Commission recommendation to approve a rezone of 0.436 acres of land, known as the “Ludlow Sliver Annexation”, from County RR-2 Rural Residential to SR – Suburban Residential and recommend approval of the attached change of zone Ordinance **XX.**

Attachments

1. Application form
2. Annexation and Rezoning map
3. Referral Agency Comments



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): Parcel number not available		
Site Address: SW Corner of Mountain Avenue & Berthoud Parkway		
Project Name: Ludlow Farms		
Brief description of project: Residential and mixed-use subdivision.		
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: Ludlow Farms, LLC - JM Hinson, Manager		
E-mail: jmhinson@me.com	Mailing Address: 700 Ken Pratt Blvd Suite 113	
Phone: 1-904-945-8636	City/State/Zip: Longmont, CO 80501	
CONTACT PERSON (will receive correspondence from Town Staff/Referral Agencies)		
Name: Kristin Turner - TB Group		
E-mail: kristin@tbgroup.us	Mailing Address: 444 Mountain Avenue	
Phone: 970.532.5891	City/State/Zip: Berthoud, CO 80513	
OWNER(S) (If different than applicant)		
Name: Greg Ludlow - Manager Smilin' 11 LLC		
E-mail: greg.ludlow5@gmail.com	Mailing Address: 1909 Sundance Drive	
Phone: (970) 302-9332	City/State/Zip: Longmont, Colorado 80504	
CONSULTANT (Engineer, Surveyor, or Planner)		
Name:		
E-mail:	Mailing Address:	
Phone:	City/State/Zip:	

LAND USE INFORMATION							
Existing Use: Vacant Proposed Use: Residential, Commercial, Mi Existing Zoning: Larimer County RR2 Proposed Zoning: (if applicable): SR Number of acres: 0.436 AC Proposed Access: Berthoud Parkway & Mc	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th colspan="2" style="text-align: center; padding: 5px;">Adjacent zoning / land use:</th> </tr> </thead> <tbody> <tr> <td style="width: 50%; padding: 5px;">East Side: BERTHOUD PARKWAY</td> <td style="width: 50%; padding: 5px;">North Side: SR</td> </tr> <tr> <td style="padding: 5px;">West Side: HWY 287</td> <td style="padding: 5px;">South Side: LARIMER COUNTY RR2</td> </tr> </tbody> </table>	Adjacent zoning / land use:		East Side: BERTHOUD PARKWAY	North Side: SR	West Side: HWY 287	South Side: LARIMER COUNTY RR2
Adjacent zoning / land use:							
East Side: BERTHOUD PARKWAY	North Side: SR						
West Side: HWY 287	South Side: LARIMER COUNTY RR2						
UTILITY SERVICE INFORMATION							
Water: Town of Berthoud	Sewer: Town of Berthoud						
PROJECT INFORMATION							
Number of proposed units: N/A Number of phases: N/A Number of Units per phase: N/A Number of lots proposed: N/A Lot size minimum: N/A Lot size maximum: N/A Lot size average: N/A Gross density (units/acre): N/A Net density (units/acre): N/A Area and percent open space: N/A	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: 0.436 AC b. Right-of-Way: N/A c. Net (a-b) <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th colspan="2" style="text-align: center; padding: 5px;">Type of Housing Proposed (please check):</th> </tr> </thead> <tbody> <tr> <td style="width: 50%; padding: 5px;"> ☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units: TBD) </td> <td style="width: 50%; padding: 5px;"> ☐ Townhouse ☒ Condominium </td> </tr> </tbody></table>	Type of Housing Proposed (please check):		☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units: TBD)	☐ Townhouse ☒ Condominium		
Type of Housing Proposed (please check):							
☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units: TBD)	☐ 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.

DocuSigned by:
 Property Owner(s): Greg Ludlow Manager - Smilin' 11 LLC Date: 6/29/2023
D8BEF5D68CD544C...

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: M Hinson Date: 6/29/2023
55A1B923E6644C3...

FOR OFFICE USE ONLY	Received By:	Date:
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LUDLOW FARMS ANNEXATION No. 2 AND REZONE MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.,
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

DESCRIPTION OF REZONING AREA PUD TO SUBURBAN RESIDENTIAL:

A parcel of land being a part of the Southeast Quarter of Section 22, Township 4 North, Range 69 West of the 6th P.M., Town of Berthoud, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41" West, with the South Quarter corner of Section 22 being monumented by a 3 ¼" aluminum cap and the Southeast corner of Section 22 being monumented by a 2 ½" aluminum cap stamped LS 12374, and with all bearings contained herein relative thereto:

COMMENCING at the South Quarter corner of said Section 22, thence along the South line of the Southeast Quarter of Section 22, North 89°06'41" East, a distance of 223.67 feet to a point on the Easterly right-of-way line U.S. Highway 287, said point being the **POINT OF BEGINNING**;
THENCE North 07°21'53" West, a distance of 25.76 feet to the Southwest corner of Lot 9, Ludlow Farms - Conveyance Plat, recorded at Reception No. 2011008205, Larimer County Clerk and Recorder;
THENCE along the Southerly line of Lot 9 the following seven (7) courses and distances:
South 88°00'48" East, a distance of 107.18 feet;
THENCE North 89°17'36" East, a distance of 232.13 feet;
THENCE North 89°35'38" East, a distance of 219.93 feet;
THENCE North 89°49'13" East, a distance of 204.24 feet;
THENCE South 89°36'42" East, a distance of 152.83 feet;
THENCE North 88°06'10" East, a distance of 188.67 feet;
THENCE South 00°08'00" West, a distance of 15.02 feet to said South line of the Southeast Quarter of Section 22;
THENCE departing said South line of Lot 9, along the South line of the Southeast Quarter of said Section 22, South 89°06'41" West a distance of 1101.58 feet to the **POINT OF BEGINNING**.

The above-described parcel of land contains 19,011 square feet or 0.436 acres, more or less (±), and may be subject to easements and rights-of-way now on record or existing.

OWNER: Jean E. Cowles, an individual

BY: _____
Gregory T. Ludlow, under rights of power
of attorney

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by

_____ as _____ of .

Witness my hand and official seal

My commission expires: _____

Notary Public

OWNER: S. Reid Ludlow, an individual

BY: _____
Gregory T. Ludlow, under rights of power
of attorney

STATE OF COLORADO)
COUNTY OF LARIMER)

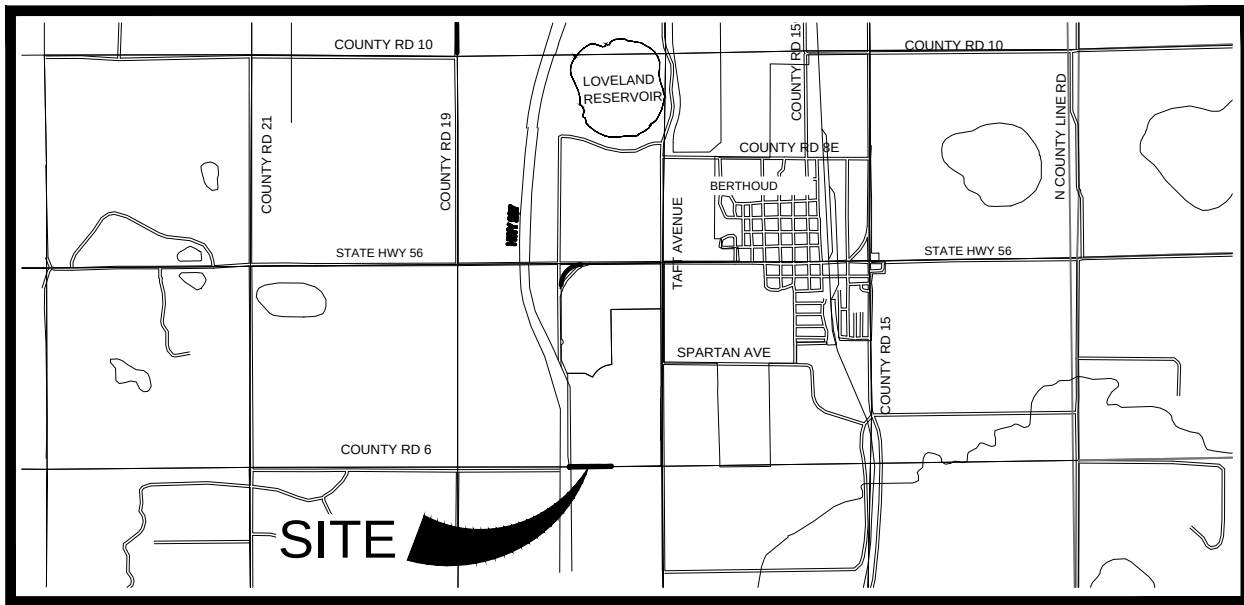
The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by

_____ as _____ of .

Witness my hand and official seal

My commission expires: _____

Notary Public



N
VICINITY MAP
1" = 2000'

OWNER: Smilin' II, LLC, a Colorado limited liability company

BY: _____
Gregory T. Ludlow, its managing member

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by

_____ as _____ of .

Witness my hand and official seal

My commission expires: _____

Notary Public

NOTES:

- 1) Land Title Guarantee Company, Order No. FCC25192536-16, dated 06/06/2023 at 5:00 p.m. was used in the preparation of this document.
- 2) The Basis of Bearings is the South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41" West, with the South Quarter corner of Section 22 being monumented by a 3 ¼" aluminum cap and the Southeast corner of Section 22 being monumented by a 2 ½" aluminum cap stamped LS 12374.
- 3) Northern Engineering relied upon the plat of Ludlow Farms Conveyance Plat recorded at Reception Number 20110018205 Larimer County Clerk and Recorder.
- 4) This is not a statutory boundary survey, lines ran or shown have not been evaluated for title rights either written or unwritten.
- 5) This map is not a land survey plat or improvement survey plat, and it is not to be relied upon for the establishment of fence, building, or other future improvement lines.
- 6) Adjacent property owner information per the Larimer County Land information Locator.
- 7) Zoning information per the Official Zoning map, Town of Berthoud, dated October, 2021 and the Larimer County Zoning Districts Map, dated April 2021.

APPROVAL CERTIFICATES:

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 _____, 2023, and that the Mayor of the Town of Berthoud as authorized by said ordinance on behalf of the Town of Berthoud 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 _____, 2023.

Mayor

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this ____ day of _____, 2023.

ATTEST: _____
Town Clerk

APPROVAL CERTIFICATES:

Approved by the Planning Commission of the Town of Berthoud, Colorado this ____ day of _____, 2023.

Chairman

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this ____ day of _____, 2023.

ATTEST: _____
Planning Technician

LARIMER COUNTY CLERK & RECORDER CERTIFICATE:

This Annexation and Rezoning Map was accepted for filing in the Office of the Larimer County Clerk & Recorder on this ____ day of

_____, 2023, at _____ M. in Book _____, Page _____, Reception No.

By: _____
Larimer County Clerk and Recorder

SURVEYOR'S STATEMENT

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor, do hereby state that this map of land proposed to be annexed and rezoned to the Town of Berthoud, County of Larimer, State of Colorado was prepared under my direct supervision from existing documents of record and that the same is true and correct to the best of my knowledge, information and belief.

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

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such 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 shown herein.

SECTION:
22
TOWNSHIP:
4 N
RANGE:
69 W of the 6th PM

N **NORTHERN**
E **ENGINEERING**
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FOR COLLINS | GREELEY 970.221.1188 NORTHERNENGINEERING.COM

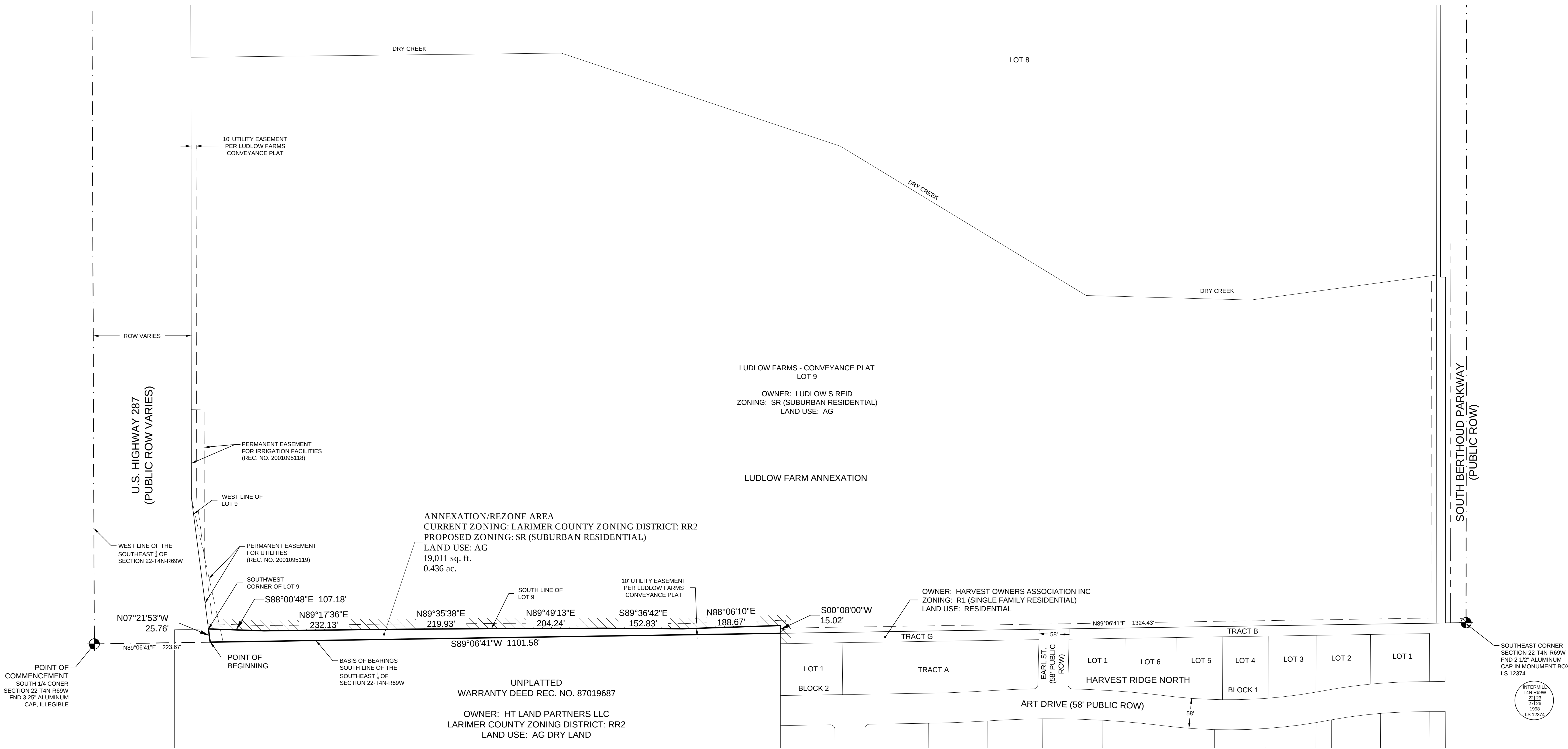
PROJECT:
1859-001
DATE:
08/30/23
CLIENT:
LUDLOW FARMS
SCALE:
As shown
DRAWN BY:
L. Smith
REVIEWED BY:
R. Tessely

LUDLOW FARMS ANNEXATION No. 2 & REZONE MAP
TOWN OF BERTHOUD
LARIMER COUNTY, COLORADO

Sheet
1
Of 2 Sheets

LUDLOW FARMS ANNEXATION No. 2 AND REZONE MAP

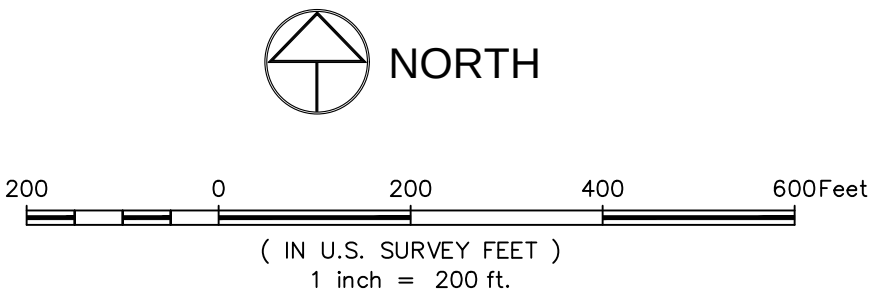
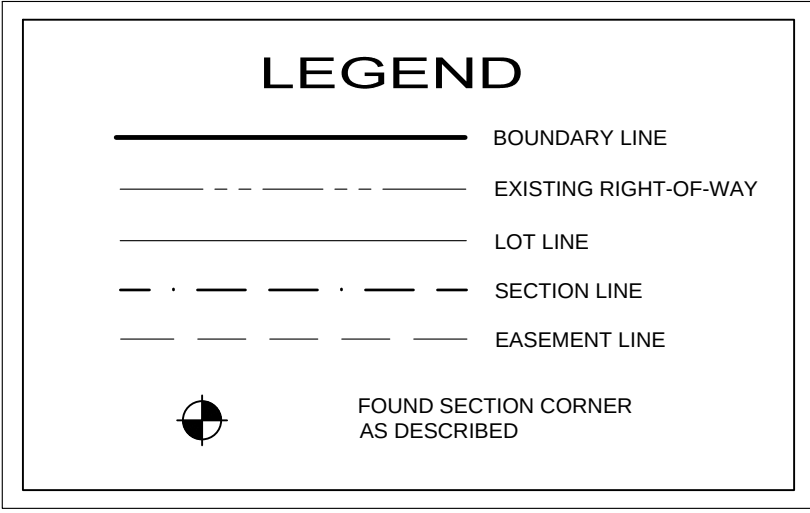
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.,
 TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



ANNEXATION

TOTAL PERIMETER.....	2,247.34'
CONTIGUOUS BOUNDARY	1,120.00'
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED.....	374.56'
CURRENT ZONING: PUD (PLANNED UNIT DEVELOPMENT)	
PROPOSED ZONING: SR (SUBURBAN RESIDENTIAL)	

DENOTES CONTIGUOUS TOWN BOUNDARY



DRAFT
 8/30/23
 PRELIMINARY - NOT FOR CONSTRUCTION,
 RECORDING PURPOSES OR IMPLEMENTATION
 PRELIMINARY
 Robert C. Tessely
 Colorado Registered Professional Land Surveyor No. 38470
 For and on behalf of Northern Engineering Services, Inc.

NOTICE:
 According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such 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 shown herein.

SECTION: 22	TOWNSHIP: 4 N	RANGE: 69 W of the 6th PM
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**NORTHERN
ENGINEERING**

SURVEY | MUNICIPAL | LAND DEVELOPMENT
 FORT COLLINS | GREELEY 970.221.1188 NORTHERNENGINEERING.COM

PROJECT: 1859-001	DATE: 08/30/23	SCALE: 1" = 100'	REVIEWED BY: R. Tessely
CLIENT: LUDLOW FARMS LLC	DRAWN BY: L. Smith		

LUDLOW FARMS ANNEXATION No. 2 & REZONE MAP
 TOWN OF BERTHOUD
 LARIMER COUNTY, COLORADO



**Garden
Spot of
Colorado**

807 Mountain Avenue | PO Box 1229 | Berthoud, CO 80513 | O: 970.532.2643 | F: 970.532.0640 | Berthoud.org

REFERRAL AGENCY REVIEW COMMENTS

Community Development Dept.
PLANNING

Response received: 7.27.2023

Tawn Hillenbrand, thillenbrand@berthoud.org

-
1. As noted by Baseline Engineering, please revise the name on the Annexation-Rezone Map to Ludlow Annexation No. 2.

BASELINE ENGINEERING

Response received: 7.17.2023

Luke Seeber, luke.seeber@baselinecorp.com; Noah Nemmers, noah@baselinecorp.com

-
1. Berthoud, Colorado - Code of Ordinances, Chapter 30 - BERTHOUD DEVELOPMENT CODE, SECTION 8 – ANNEXATION, 30-8-103 - Annexation application, A., 6. Requires the applicant to “submit proof of ownership in the form of a current title commitment issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than 30 days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition.” NO COMMITMENT WAS PROVIDED WITH THIS SUBMITTAL.
 2. There is already a Ludlow Farms Annexation of record. This will need to be named Ludlow Farms Annexation No. 2. Please update in all applicable locations.
 3. Verify/update the dimension used for the current contiguous boundary. It calculates at 1,120.00 feet. 4. Update the annotation for the point of commencement to the point of beginning. The narrative description reads North 89°06'41" East, 223.67 feet.
 4. The hatching depicting the town boundary should only be shown where it is adjacent to the proposed annexation.

In addition to a comment summary, Baseline also provide redlines on the Annexation-Rezone Map. Please see the attached comment summary and map document.

BERTHOUD FIRE

Response received: 7.17.2023

Joe Jaramillo, jaramillofire@aol.com

No concerns with the request.

LITTLE THOMPSON WATER DISTRICT

Response received: 7.25.2023

Clayton Orback, COrback@ltwd.org

No objection to the proposed annexation. Although not specific to this annexation request, the LTWD did provide the following general statement pertaining to the Ludlow Farms development:

1. Please note that on February 22, 2023, LTWD commented on the subject development. As a reminder to the Developer, LTWD will not be serving the subject development. As a result, LTWD's existing 5/8-inch standard residential tap (tap #433) will need to be properly abandoned and relinquished to the District.

Additionally, as part of the relinquishment process, the subject property will need to have LTWD excluded as a taxing authority with the County. The Developer will need to contact the District accordingly.

CDOT

Response received: 7.06.2023

Tim Bilobrand, timothy.bilobran@state.co.us

1. CDOT's official position for annexation and zoning is "no comment". We typically get involved whenever a redevelopment is actually occurring which increases the daily or peak hour traffic counts. For this email though, nothing further from us. Please let me know if you have any questions.

LARIMER COUNTY ENGINEERING DEPT.

Response Received: 7.06.2023

Steven Rothwell, rothwesc@co.larimer.co.us

No comments on the request.

LARIMER COUNTY PLANNING

Response Received: 7.11.2023

Justin Currie, poc@co.larimer.co.us

No comments on the request.

XCEL

Response Received: 7.06.2023

Cory Thelen, Cory.M.Thelen@xcelenergy.com

1. I don't see any issues with this annexation and rezone, Xcel Energy does not have any utilities in that zone.

TOWN OF BERTHOUD
RESOLUTION NUMBER 19
(SERIES 2023)

THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS REGARDING THE ELIGIBILITY FOR ANNEXATION OF THE LUDLOW SLIVER ANNEXATION PURSUANT TO C.R.S. 31-12-110.

WHEREAS, Ludlow Farms, LLC as property owner (“the Petitioner”), filed with the Town Clerk a Petition for Annexation on June 29, 2023 (“the Petition”); and

WHEREAS, the Town Board of Trustees of the Town of Berthoud reviewed such Petition through Resolution No. 16 (Series 2023) at its meeting held on July 25, 2023; and

WHEREAS, the Town Board of Trustees have established the Petitioner has filed the Petition to annex unincorporated property to the Town that meets the eligibility requirements found in Colorado Revised Statutes Section 31-12-104; and

WHEREAS, the Town Board of Trustees have established the Petition and the territory to be annexed satisfies the limitations found in Colorado Revised Statutes Section 31-12-105.

NOW THEREFORE BE IT RESOLVED by the Town Board of Trustees of the Town of Berthoud, Colorado, this 12th day of September 2023, as follows:

Section 1. That the Board finds that there is at least one-sixth (1/6) contiguity between the Town of Berthoud and the Property; that a community of interest exists between the Property and the Town; that the Property is urban or will be urbanized in the near future; and that the Property is integrated with or is capable of being integrated with the Town of Berthoud.

Section 2. That the Board further finds that the requirements of the applicable provisions of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105 of the Colorado Revised Statutes have been met.

Section 3. That the Board further finds that an election is not required under section 30(1)(a) of Article II of the State Constitution and Sections 31-12-107(2) of the Colorado Revised Statutes.

Section 4. That the Board further determines that that there are no additional terms and conditions to be imposed upon said annexation.

Section 5. That the Board concludes that the Property is eligible for annexation to the Town of Berthoud.

MOVED, SECONDED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES OF THE
TOWN OF BERTHOUD, COLORADO THIS 12th DAY OF SEPTEMBER, 2023.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

Exhibit A: Legal Description

A parcel of land being a part of the Southeast Quarter of Section 22, Township 4 North, Range 69 West of the 6th P.M., Town of Berthoud, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41" West, with the South Quarter corner of Section 22 being monumented by a 3-1/4" aluminum cap and the Southeast corner of Section 22 being monumented by a 2-1/2" aluminum cap stamped LS 12374, and with all bearings contained herein relative thereto:

COMMENCING at the South Quarter corner of said Section 22, thence along the South line of the Southeast Quarter of Section 22, North 89°06'41" East, a distance of 223.67 feet to a point on the Easterly right-of-way line U.S. Highway 287, said point being the POINT OF BEGINNING;

THENCE North 07°21'53" West, a distance of 25.76 feet to the Southwest corner of Lot 9, Ludlow Farms - Conveyance Plat, recorded at Reception No. 2011008205, Larimer County Clerk and Recorder;

THENCE along the Southerly line of Lot 9 the following seven (7) courses and distances:

South 88°00'48" East, a distance of 107.18 feet;

THENCE North 89°17'36" East, a distance of 232.13 feet;

THENCE North 89°35'38" East, a distance of 219.93 feet;

THENCE North 89°49'13" East, a distance of 204.24 feet;

THENCE South 89°36'42" East, a distance of 152.83 feet;

THENCE North 88°06'10" East, a distance of 188.67 feet;

THENCE South 00°08'00" West, a distance of 15.02 feet to said South line of the Southeast Quarter of Section 22;

THENCE departing said South line of Lot 9, along the South line of the Southeast Quarter of said Section 22, South 89°06'41" West a distance of 1101.58 feet to the POINT OF BEGINNING.

The above-described parcel of land contains 19,011 square feet or 0.436 acres, more or less ($\pm$), and may be subject to easements and rights-of-way now on record or existing.

TOWN OF BERTHOUD

ORDINANCE NO. 1323

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD
ANNEXING PROPERTY KNOWN AS THE “LUDLOW SLIVER ANNEXATION” TO
THE TOWN OF BERTHOUD**

WHEREAS, Resolution No. 2023-16 finding substantial compliance and initiating annexation proceedings on behalf of Ludlow Farms, LLC, owners of the parcel of property, collectively referred to herein as “Ludlow Sliver Annexation” has heretofore been adopted by the Board of Trustees of the Town of Berthoud; and

WHEREAS, by Resolution No. 2023-19 the Board of Trustees determined that the applicable provisions of section 30 of article II of the State Constitution and Sections 31-12-104 and 31-12-105 have been met, and further determined that an election is not required under Section 31-12-107(2), and did not determine that additional terms and conditions are to be imposed; and

WHEREAS, the Board of Trustees may annex the proposed area by Ordinance pursuant to Section 31-12-111, Colorado Revised Statutes; and

WHEREAS, the Board of Trustees does hereby find and determine that it is in the best interests of the town to annex said area to the Town:

A parcel of land being a part of the Southeast Quarter of Section 22, Township 4 North, Range 69 West of the 6th P.M., Town of Berthoud, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41” West, with the South Quarter corner of Section 22 being monumented by a 3-1/4" aluminum cap and the Southeast corner of Section 22 being monumented by a 2-1/2" aluminum cap stamped LS 12374, and with all bearings contained herein relative thereto:

COMMENCING at the South Quarter corner of said Section 22, thence along the South line of the Southeast Quarter of Section 22, North 89°06'41” East, a distance of 223.67 feet to a point on the Easterly right-of-way line U.S. Highway 287, said point being the POINT OF BEGINNING;

THENCE North 07°21'53” West, a distance of 25.76 feet to the Southwest corner of Lot 9, Ludlow Farms - Conveyance Plat, recorded at Reception No. 2011008205, Larimer County Clerk and Recorder;

THENCE along the Southerly line of Lot 9 the following seven (7) courses and distances:

South 88°00'48” East, a distance of 107.18 feet;

THENCE North 89°17'36” East, a distance of 232.13 feet;

THENCE North 89°35'38” East, a distance of 219.93 feet;

THENCE North 89°49'13" East, a distance of 204.24 feet;

THENCE South 89°36'42" East, a distance of 152.83 feet;

THENCE North 88°06'10" East, a distance of 188.67 feet;

THENCE South 00°08'00" West, a distance of 15.02 feet to said South line of the Southeast Quarter of Section 22;

THENCE departing said South line of Lot 9, along the South line of the Southeast Quarter of said Section 22, South 89°06'41" West a distance of 1101.58 feet to the POINT OF BEGINNING.

The above-described parcel of land contains 19,011 square feet or 0.436 acres, more or less ($\pm$), and may be subject to easements and rights-of-way now on record or existing.

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

Section 1. That the above-described property meets all legal requirements for annexation to the Town of Berthoud, and on the request of the Owner and in the interest of the Town, said property shall be annexed to the Town.

Section 2. No Obligations Assumed: In annexing said property to the Town, the Town does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electrical service lines, streets or any other services or utilities in connection with the property hereby annexed except as may be provided by the ordinances of the Town.

Section 3. Interpretation. This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 4. Effective Date. The provisions of this Ordinance shall take effect thirty (30) days after publication as required by law.

PASSED, ADOPTED, SIGNED, AND APPROVED this the 12th day of September 2023.

[Intentionally Left Blank]

TOWN OF BERTHOUD

By _____

William Karspeck, Mayor

ATTEST:

By: _____

Christian Samora, Town Clerk

TOWN OF BERTHOUD

ORDINANCE NO. 1324

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS THE “LUDLOW SLIVER ANNEXATION” NEWLY ANNEXED TO THE TOWN OF BERTHOUD

WHEREAS, an ordinance approving the annexation of certain property known as the “Ludlow Sliver Annexation,” as more particularly described in Exhibit A attached hereto (the “Property”), to the Town of Berthoud by Ordinance No. 1321 was passed by the Board of Trustees of the Town of Berthoud on September 12, 2023; and,

WHEREAS, Section 31-12-115, Colorado Revised Statutes, requires that newly annexed property be zoned within 90 days of the effective date of the annexation ordinance; and,

WHEREAS, the Planning Commission previously has considered the zoning request related to Resolution No. 2023-19 and pending Annexation Ordinance 1323, and has recommended that the Property be zoned “Suburban Residential (SR)” upon its annexation into the Town; and,

WHEREAS, notice previously was been posted and published as required by law and a public hearing was conducted before the Board of Trustees on September 12, 2023, at which time the zoning of the Property to “Suburban Residential (SR)” was approved by the Board, to become effective upon the completion of the annexation of the Property into the Town more particularly described in Exhibit A and found in Exhibit B; and

WHEREAS, the Board desires the zoning approval for the Property to become effective concurrent with the legal effectiveness of Annexation Ordinance 1323.

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

Section 1. Upon the legal effectiveness of the annexation of the Property to the Town of Berthoud in accordance with Section 31-12-113(2)(b), Colorado Revised Statutes, the official zoning map of the Town of Berthoud shall be amended by the inclusion of the Property zoned as “Suburban Residential (SR).”

Section 2. The Property known as the “Ludlow Sliver Annexation” is hereby zoned “Suburban Residential (SR),” subject to the terms and conditions approved by the Town.

Section 3. Interpretation. This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 4. Publication. The Town Clerk shall certify to the passage of this Ordinance, cause its contents to be published, and, when the annexation of the Property becomes effective in accordance with section 31-12-113(2) (b), Colorado Revised Statutes, shall cause the appropriate change to be made to the official Berthoud Zoning District Map.

Section 5. Effective Date: The effective date of this ordinance shall be the later of the effective date of the Annexation of “Ludlow Sliver Annexation” and thirty (30) days after publication of this ordinance.

PASSED, ADOPTED, SIGNED, AND APPROVED this the 12th day of September 2023.

TOWN OF BERTHOUD

By _____

William Karspeck, Mayor

ATTEST:

By: _____

Christian Samora, Town Clerk

EXHIBIT A: LEGAL DESCRIPTION

A parcel of land being a part of the Southeast Quarter of Section 22, Township 4 North, Range 69 West of the 6th P.M., Town of Berthoud, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41" West, with the South Quarter corner of Section 22 being monumented by a 3-1/4" aluminum cap and the Southeast corner of Section 22 being monumented by a 2-1/2" aluminum cap stamped LS 12374, and with all bearings contained herein relative thereto:

COMMENCING at the South Quarter corner of said Section 22, thence along the South line of the Southeast Quarter of Section 22, North 89°06'41" East, a distance of 223.67 feet to a point on the Easterly right-of-way line U.S. Highway 287, said point being the POINT OF BEGINNING;

THENCE North 07°21'53" West, a distance of 25.76 feet to the Southwest corner of Lot 9, Ludlow Farms - Conveyance Plat, recorded at Reception No. 2011008205, Larimer County Clerk and Recorder;

THENCE along the Southerly line of Lot 9 the following seven (7) courses and distances:

South 88°00'48" East, a distance of 107.18 feet;

THENCE North 89°17'36" East, a distance of 232.13 feet;

THENCE North 89°35'38" East, a distance of 219.93 feet;

THENCE North 89°49'13" East, a distance of 204.24 feet;

THENCE South 89°36'42" East, a distance of 152.83 feet;

THENCE North 88°06'10" East, a distance of 188.67 feet;

THENCE South 00°08'00" West, a distance of 15.02 feet to said South line of the Southeast Quarter of Section 22;

THENCE departing said South line of Lot 9, along the South line of the Southeast Quarter of said Section 22, South 89°06'41" West a distance of 1101.58 feet to the POINT OF BEGINNING.

The above-described parcel of land contains 19,011 square feet or 0.436 acres, more or less ($\pm$), and may be subject to easements and rights-of-way now on record or existing.

EXHIBIT B: CHANGE OF ZONE MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M..

A parcel of land being a part of the Southeast Quarter of Section 22, Township 4 North, Range 69 West of the 6th P.M., Town of Berthoud, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41" West, with the South Quarter corner of Section 22 being monumented by a 3" aluminum cap and the Southeast corner of Section 22 being monumented by a 2 1/2" aluminum cap stamped L5 11274, and with all bearings contained herein relative thereto;

COMMENCING at the South Quarter corner of said Section 22, thence along the South line of the Southeast Quarter of Section 22, North 89°06'41" East, a distance of 223.67 feet to a point on the Easterly right-of-way line U.S. Highway 287, said point being the POINT OF BEGINNING;

THENCE North 89°17'57" East, a distance of 232.1 feet;
THENCE North 89°17'57" East, a distance of 107.18 feet;
THENCE South 88°04'02" West, a distance of 107.18 feet;
THENCE North 89°17'57" East, a distance of 210.93 feet;
THENCE North 89°49'15" East, a distance of 201.43 feet;
THENCE South 89°42'42" East, a distance of 152.83 feet;
THENCE South 89°09'42" East, a distance of 141.82 feet;
THENCE South 89°09'42" East, a distance of 141.82 feet and South line of the Southeast Quarter of Section 22;
THENCE departing and south line of Lot 4, along the South line of the Southeast Quarter of said Section 22, South 89°04'14" West, a distance of 1011.58 feet to the POINT OF BEGINNING.

Wish to declare that said line of Lot 4, along the South line of the Southeast Quarter of said Section 22, South 89°04'14" West, a distance of 1011.58 feet on record or existing.

The registered owner, on record or existing.

BY: Gregory T. Ledlow, under rights of power of attorney

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____ as _____ of _____.

Notary Public

BY: _____
Gregory T. Ladlow, under rights of power
of attorney

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____ as _____ of _____.

Notary Public



BY: Gregory T. Ludlow, its managing member

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____ as _____ of _____.

Notary Public

1) Land Title Guarantee Company, Order No. FCC25192536-16, dated 06/06/2023 at 5:00 p.m., was used in the preparation of this document.

- 1) The first 100 ft of Ridge is a South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41" West, with the South Quarter corner of section 22 being monumented by a 2" aluminum cap stamped 18 157374.
- 2) The Southeast corner of Section 22 being monumented by a 2" aluminum cap stamped 18 157374.
- 3) Northern Engineering filed plans from the plat of Laidlaw Farms (conveyance Plat recorded at Reception Number 2010018320) Larimer County Clerk and Recorder.
- 4) This is not a statutory boundary survey, lines are or should have not been evaluated for title rights either written or unwritten.
- 5) This map is a land survey plat or improvement survey plat, and it is not to be relied upon for the establishment of fence, building, or other future improvement lines.
- 6) All public property owner information per the Larimer County Land Information Locator.
- 7) Zoning information per the Official Zoning map, Town of Berthoud, dated October, 2021 and the Larimer County Zoning Districts Map, dated April 2021.

This is to certify that the annexation and rezoning of the above described property was approved by Ordinance No. _____ of the Town of Berthoud, passed and adopted on the _____ day of _____, 2023, and that the Mayor of the Town of Berthoud as authorized by said ordinance on behalf of the Town of Berthoud hereby for all acknowledges and adopts the said annexation upon which the certificate is endorsed for all purposes indicated hereon.

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this _____ day of _____, 2023.

APPROVAL CERTIFICATES

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this _____ day of _____, 2023.

LARIMER COUNTY CLERK & RECORDER CERTIFICATE

This Amended and Receding Map was accepted for filing in the Office of the Larimer County Clerk & Recorder on this _____ day of _____, 2023, at _____ M. in Book _____, Page _____, Reception No. _____.

SURVEYOR'S STATEMENT

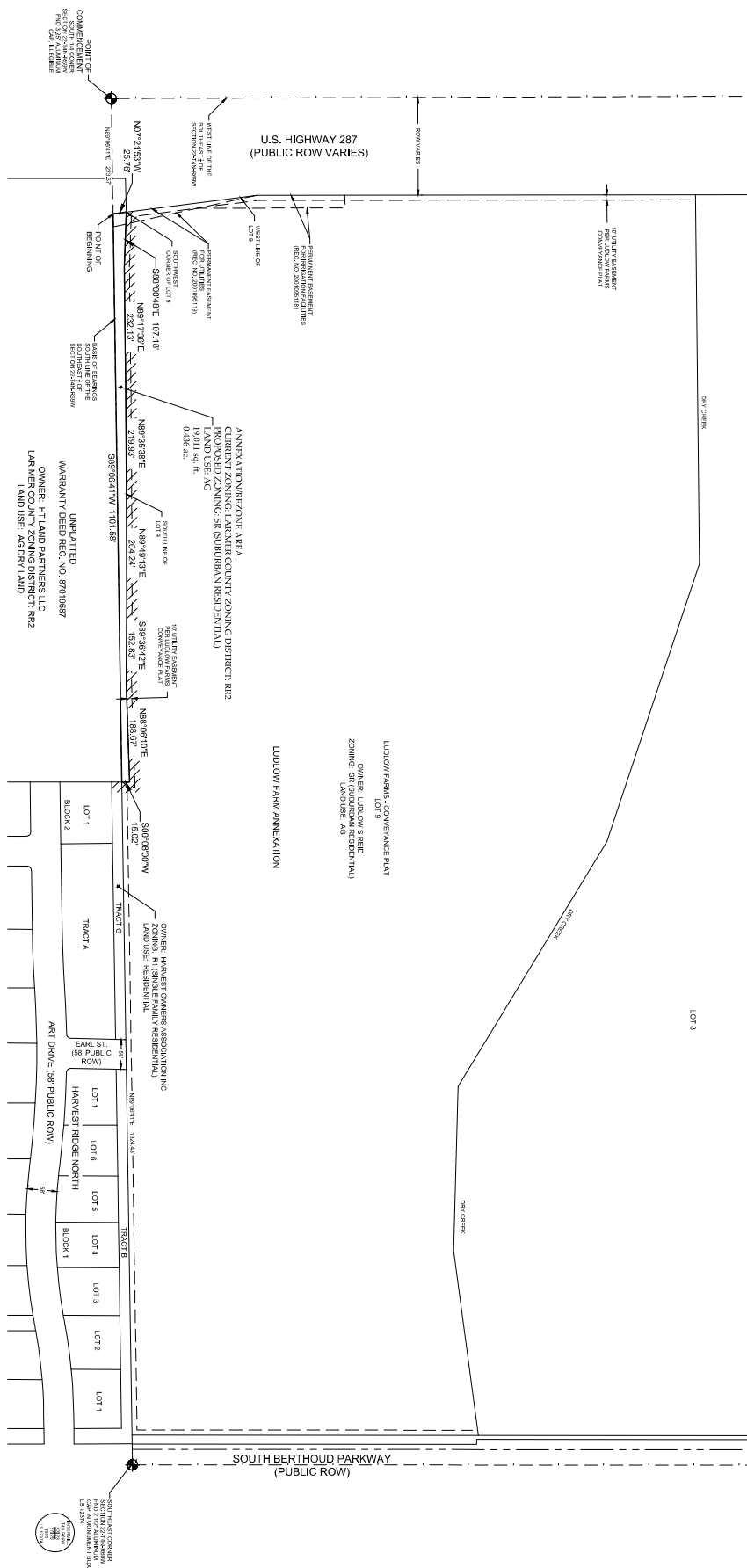
I, Robert C. Tesse, a Colorado Registered Professional Land Surveyor, do hereby state that this map of land proposed to be annexed and rezoned in the Town of Littleton, County of Larimer, State of Colorado was prepared under my direct supervision. No existing documents of record and that the same is true and correct to the best of my knowledge, information and belief.

8/30/23
FOR CONSTRUCTION,
MENTATION

Robert C. Lessner
Colo. Reg. Professional Land Surveyor No. 38470
For and on behalf of Northern Engineering Services, Inc.

LUDLOW FARMS ANNEXATION No. 2 AND REZONE MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.,
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



ANNEXATION	
TOTAL PERIMETER	2,347.34
CONTIGUOUS BOUNDARY	1,230.00
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED	174.56
CURRENT ZONING	SR (SUBURBAN RESIDENTIAL)
PROPOSED ZONING	AG (DRY LAND)

LEGEND	
-----	BOUNDARY LINE
-----	PORTING BOUNDARY LINE
-----	LOT LINE
-----	EASEMENT LINE
-----	FORMER SECTION CORNER
-----	AG RESERVATION



DRAFT
8/30/23
PRELIMINARY - NOT FOR CONSTRUCTION
RECORDING PURPOSES OR IMPLEMENTATION
PRELIMINARY

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	September 26, 2023
Agenda Title/Subject:	Vector Management Resolution
Type of Item:	Regular Item
Purpose:	To consider adoption of a vector management program that includes the requirements set forth by the Board at the August 29, 2023, Study Session
Presented by:	Chris Kirk

BACKGROUND:

As the Board will recall, in August 2022 the Board voted to formally suspend the 2017 Mosquito Control Policy and to replace it with a practice of holding a special meeting of the Town Board whenever the Town's Vector Index reached .75 for two consecutive weeks. Test data from July 4, 2023, and July 11, 2023, indicated that the Town's Vector Index was over .75 for two consecutive weeks and a special meeting was held July 18, 2023, to consider the application of mosquito adulticide via truck spraying throughout Town. On July 18, 2023, a majority of the Trustees present voted to apply adulticide via truck spraying.

Following the July 18 meeting, staff worked with Vector Disease Control International (VDCI) to schedule the adulticide application. On July 25, 2023, Town Staff included an item on the agenda outlining the spray plan for adulticide application beginning on the night of July 28, 2023. At the same meeting, a majority of the Trustees present voted to suspend the spray application scheduled for July 28 until a new mosquito control policy could be established.

As a follow-up to that meeting, staff circulated a short list of questions to gather feedback from the Trustees about what might be helpful in developing this new policy. The written responses received to that list of questions is attached to this memo.

At the August 22, 2023 meeting, staff suggested that the Board finalize a date for a special meeting to discuss the mosquito spray policy. The Board directed Staff to schedule a study session on August 29, 2023, to discuss the development of a new policy.

At the August 29 study session, the Board discussed their concerns and ideas regarding the mosquito spray policy. The direction given to staff at that study session was to prepare a draft resolution outlining a new vector control policy that requires on-going larvicide measures, continued trapping and testing of mosquitos on a weekly basis, and a new automatic trigger for adulticide application when the vector index is calculated above 1.0

for two consecutive weeks. Additionally, any adulticide application would take place in one night, beginning after 10:00 PM and finishing as soon as possible but no later than 4:00 AM. In addition to the specific mosquito management practices, the policy resolution outlines communication efforts that will be followed to keep the public abreast of the Town's vector control efforts.

RECOMMENDED ACTION(S):

APPROVE RESOLUTION 2023-20, ESTABLISHING AN INTEGRATED VECTOR MANAGEMENT PROGRAM

TOWN OF BERTHOUD
RESOLUTION NO. 20
(Series 2023)

A RESOLUTION OF THE TOWN OF BERTHOUD, COLORADO
ESTABLISHING AN INTEGRATED VECTOR MANAGEMENT PROGRAM

WHEREAS, the Town of Berthoud is surrounded by agricultural lands and wetland areas which are prone to develop substantial mosquito populations in certain years and seasons; and

WHEREAS, vector borne diseases from mosquitoes are a significant public health concern;

WHEREAS, environmental and ecological damage from excessive or unnecessary pesticide application is also a significant concern; and

WHEREAS, the Town of Berthoud regularly conducts evaluations of the intensity and types of mosquito infestations, including a determination of populations likely to carry West Nile virus and other diseases; and

WHEREAS, the Larimer County Department of Public Health provides recommendations as to whether active spraying is warranted in order to limit the transmission of vector borne illnesses;

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

1. The attached 'Integrated Vector Management Program' is hereby adopted as the official policy of the Town for implementing a variety of vector control measures, including determining when adult mosquito control shall be implemented as a matter of public health and safety;
2. Town staff shall be responsible to promote the communications standards set out in the attached Policy; and
3. Town staff shall implement active mosquito control measures (spraying) only as set forth in the attached 'Integrated Vector Control Program'.

PASSED, ADOPTED AND APPROVED THIS 26th DAY OF SEPTEMBER, 2023.

TOWN OF BERTHOUD

BY: _____
William Karspeck, Mayor

ATTEST:

Christian Samora, Town Clerk

Town of Berthoud Integrated Vector Management Program

1. In order to effectively combat West Nile virus through the season, the Town has contracted to conduct a mosquito surveillance program and sets traps weekly within the Town of Berthoud to monitor changes in the mosquito population over time and to evaluate effective management of its larvicide program. The Town of Berthoud is also conducting a comprehensive larvae control program to kill mosquito larvae before they emerge from breeding areas. The contract is to apply a biological larvicide to breeding sites identified by the Town, members of the public, staff members of the contractor, and others. The larvicide used by the Town's contractor is a natural non-toxic biological product.
2. Out of an abundance of caution, and to limit potential impacts to the environment, the Town will not apply mosquito adulticides to control the abundance of mosquitos for nuisance reasons.
3. The Vector Index (VI), which measures the level of West Nile Virus (WNV) infected mosquitoes in an area, is accepted as the best available predictor of human risk from that disease. The VI is a number calculated by combining measures of the abundance of Culex mosquitoes (the species which carries WNV) and the rate of infection in those mosquitoes. Published investigations of large WNV outbreaks have shown that once a vector index is over 0.5, the risk of human infection increases substantially. A VI of 1.0 indicates that human cases of WNV are almost certain to occur. The Larimer County Department of Health has adopted the 0.5 VI as the threshold indicator of a health risk to the community.
4. At any time that any mosquito-borne disease becomes a Real or Imminent Public Health Threat, adult mosquito control measures will become a priority issue for the Town of Berthoud. A Real or Imminent Public Health threat will be established in Berthoud when a Vector Index (VI) of 1.0 or higher is calculated for two consecutive weeks, from the data obtained as an average of the Town's trap network. Such data shall be published on a weekly basis on the Town website.
5. Upon notice of a Real or Imminent Public Health Threat, adult control measures will be implemented town-wide for one night, on or after 10:00 PM (weather permitting) and terminating as soon as possible but no later than 4:00 AM. Spray exclusion zones will not be recognized. Such adult control measures shall occur at the direction of the Town Administrator without further Board action. A notice to residents of the intended application date will be made via the Town website, the Vector Disease Control International (VDCI) website, press release, and social media updates. Said notice shall be provided a minimum of 48 hours prior to the commencement of any adult mosquito control measures. Community members may also sign up to receive email alerts from VDCI and the Town.
6. The Town will maintain a webpage on the Town website which includes information about the insecticides to be used, Safety Data Sheets, and EPA Registrations. Recommendations for protecting the health of people, pets, and the environment during the adulticide application will also be included on the webpage. Contact information will be provided on the same webpage for residents to report suspected misapplications of mosquito adulticides. These emails will be compiled following an insecticide application and will be added to a subsequent Town Board meeting packet for review.