



**Garden
Spot of
Colorado**

**MEETING OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, January 9, 2024, 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
Presented By: Christian Samora

Documents:

MEMO RE CONSENT AGENDA.PDF
A. JANUARY 9, 2024 MEETING AGENDA.PDF
B. DECEMBER 12, 2023 MEETING MINUTES.PDF
C. TOWN ADMINISTRATOR CONTRACT AMENDMENT.PDF
D. RESOLUTION 2024-01 DESIGNATING OFFICIAL POSTING PLACES FOR MEETINGS.PDF
E. RESOLUTION 2024-02 PURCHASE POLICY UPDATE.PDF
F. DECEMBER 2023 BOARD REPORT.PDF
G. NOVEMBER 2023 FINANCIAL INFORMATION.PDF

- 5.II. House Of Neighborly Service Utility Assistance Update
Introduction By: Chris Kirk

Documents:

[MEMO RE HNS UTILITY ASSISTANCE UPDATE.PDF](#)

5.III. American Legion Funding

Introduction By: Chris Kirk

Documents:

[MEMO RE AMERICAN LEGION FUNDING.PDF](#)

5.IV. Adoption Of Mill Levy - Public Hearing

Introduction By: Chris Kirk

Documents:

[ORDINANCE 1331 LEVYING TAXES FOR THE YEAR 2024.PDF](#)
[CERTIFICATION OF TAX LEVY.PDF](#)

5.V. Welcome Signage Update

Introduction By: Jeremy Olinger

Documents:

[MEMO RE WELCOME SIGNAGE UPDATE.PDF](#)

5.VI. Oil And Gas Tranche 3

Introduction By: Mike Foote

Documents:

[MEMO RE OIL AND GAS TRANCHE 3.PDF](#)
[FOURTH DRAFT OIL AND GAS ALL TRANCHES.PDF](#)

5.VII. General Marijuana Code Amendments - Introduction

Introduction By: Christian Samora

Documents:

[MEMO RE GENERAL MARIJUANA CODE CHANGES.PDF](#)
[ORDINANCE 1332 AMENDING CODE REGARDING MARIJUANA](#)
[BUSINESSES.PDF](#)
[EXHIBIT A.PDF](#)

6. Elected Official Reports

1. Town Board - Tim Hardy, May Albrecht, Mike Grace, Sean Murphy, Karl Ayers, and Chris Kurtz.
2. Mayor - William Karspeck

3. Staff - Town Administrator, Attorney

7. 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. And the following details are provided: Potential Property Acquisition

8. Adjourn

The order of agenda items listed above is approximate and intended as a guideline for the

Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	January 9, 2024
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) January 9, 2024, Meeting Agenda
- b) December 12, 2023, Meeting Minutes
- c) Town Administrator Contract Amendment
- d) Resolution 2024-01- Designating Official Posting Places of Meetings
- e) Resolution 2024-02- Purchase Policy Update
- f) December 2023 Board Report
- g) November 2023 Financial Information

BACKGROUND:

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

UPDATE/NEXT STEPS:

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

FISCAL IMPACT AND FUND SOURCE:

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

COMMUNITY TOUCHSTONES:

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

RECOMMENDED ACTION(S):

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

Followed by a second and a vote.



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Use this Meeting ID: 210 035 9423

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

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

- I. REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck
- II. PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. ROLL CALL** – Mayor William Karspeck
- IV. CITIZEN PARTICIPATION**
- V. SCHEDULED ITEMS and ESTIMATED TIMES FOR DISCUSSION**
 1. **Consent Agenda** (Christian Samora) (5 Min)
Consent Agenda items are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.
 - a) January 9, 2024, Meeting Agenda
 - b) December 12, 2023, Meeting Minutes
 - c) Town Administrator Contract Amendment
 - d) Resolution 2024-01- Designating Official Posting Places of Meetings
 - e) Resolution 2024-02- Purchase Policy Update
 - f) December 2023 Board Report
 - g) November 2023 Financial Information
 2. **House of Neighborly Service Utility Assistance Update** (Chris Kirk) (10 Min)
 3. **American Legion Funding** (Chris Kirk) (10 Min)
 4. **Adoption of Mill Levy - Public Hearing** (Chris Kirk) (10 Min)
Ordinance 1331 – An Ordinance levying the taxes for the year 2024 to defray the costs of the municipal government for the fiscal year beginning January 1, 2014 and end December 31, 2024.
 5. **Welcome Signage Update** (Jeremy Olinger) (10 Min)

January 9, 2024, 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.

- | | | | |
|----|---|---------------------------|-----------------|
| 6. | Oil and Gas Tranche 3 | (Mike Foote) | (45 Min) |
| 7. | General Marijuana Code Amendments – Introduction
Ordinance 1332 – An ordinance amending Chapters 13 and 30
of the Berthoud Municipal Code regarding marijuana businesses | (Christian Samora) | (10 Min) |

VI.	ELECTED OFFICIAL REPORTS		(10 Min)
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1. Town Board – Tim Hardy, May Albrecht, Mike Grace, Sean Murphy, Karl Ayers, and Chris Kurtz
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. And the following details are provided: Potential Property Acquisition

VIII. ADJOURN

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

January 9, 2024, 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, December 12, 2023, 6:30 p.m.**

12/12/2023 - 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:

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

The following Board members were absent:

May Albrecht, Trustee

The following staff members were present:

Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Lexi Weissman, Deputy Town Clerk
Walt Elish, Director of Economic Development
Ken Matthews, Director of Water Utilities
Anne Johnson, Planning Director

4. Citizen Participation

No one spoke during citizen participation.

5. Scheduled Items And Estimated Time For Discussion

5.1. Consent Agenda

Items

- a) December 12, 2023 Meeting Agenda
- b) November 28, 2023 Meeting Minutes

- c) 2024 Regular Mail Ballot Election Resolution 2023-24
- d) October 2023 Financial Information
- e) Maynes, Bradford, Shipp & Sheftel Engagement Letter
- f) Larimer County Statement of Work

Mayor Pro-Tem Grace moved to combine and approve the items on the Consent Agenda. Trustee Kurtz seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.II. Broadband Update

Director of Economic Development, Walt Elish, gave an introduction.

Eric Ryplewski with Hilltop Broadband gave some background information.

Mayor Karspeck opened it up to public comment.
No one spoke during public comment.
Mayor Karspeck closed public comment.

The Board was supportive of staff negotiating an agreement with Hilltop Broadband.

5.III. Water Dedication Requirements At Annexation - Public Hearing

Director of Water Utilities, Ken Matthews, gave an introduction.

Mayor Karspeck opened up the Public Hearing.
No one spoke during the Public Hearing.
Mayor Karspeck closed the Public Hearing.

Trustee Murphy moved to approve Ordinance 1330, an ordinance of the Town of Berthoud amending Ordinance 1300, concerning dedication of historical water rights. Mayor Pro-Tem Grace seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.IV. Appointments To Planning Commission And Local Licensing Authority

Trustee Ayers and Trustee Murphy gave an introduction.

Trustee Ayers moved to appoint Lynn Larsen to the Local Licensing Authority for a term of 2 years, and to appoint Mark Hofmans to the Planning Commission for a term to expire May 11, 2024. Trustee Hardy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.V. Adoption Of 2024 Annual Budget - Public Hearing

Town Administrator, Chris Kirk, gave an introduction.

Director of Water Utilities, Ken Matthews, gave some background information.

Mayor Karspeck opened up the Public Hearing.
Ruth Fletcher Carter spoke during the Public Hearing.
Mayor Karspeck closed the Public Hearing.

Mayor Pro-Tem Grace moved to adopt Resolution No 2023-25, a resolution summarizing expenditures and revenues for each fund and adopting a budget for the Town of Berthoud, Colorado for the calendar year beginning on the first day of January 2024 and ending on the last day of December 2024. Trustee Murphy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

Mayor Pro-Tem Grace moved to adopt Resolution No 2023-26, a resolution appropriating sums of money to various funds, in the amounts and for the purposes set forth, for the Town of Berthoud, Colorado, for the 2024 Budget Year. Trustee Murphy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

Mayor Pro-Tem Grace moved to adopt Resolution No 2023-27, a resolution of the Town of Berthoud adopting a fee schedule for all the Town Fees as provided in the Berthoud Municipal Code, including

rates and fees as discussed at the November 14, 2023 Town Board Meeting. Trustee Murphy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.VI. 3-Mile Plan - Public Hearing

Planning Director, Anne Johnson, gave an introduction.

Mayor Karspeck opened up the Public Hearing.
No one spoke during the Public Hearing.
Mayor Karspeck closed the Public Hearing.

Trustee Hardy moved to approve Ordinance 1328, an ordinance of the Town of Berthoud adopting the Town of Berthoud Three-Mile Plan. Trustee Ayers seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.VII. General Code Changes - Public Hearing

Planning Director, Anne Johnson, gave an introduction.

Mayor Karspeck opened up the Public Hearing.
No one spoke during the Public Hearing.
Mayor Karspeck closed the Public Hearing.

Trustee Ayers moved to approve Ordinance 1329, an ordinance amending certain sections of the Berthoud Municipal Code Chapter 30, specifically Section 2 regarding landscape design, Section 9 regarding historic resources, Section 3 regarding planned unit development, and Section 2 regarding outdoor lighting and dark sky standards. Trustee Hardy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.VIII. Farmstead Filing 2 Condition Of Approval Discussion

Town Administrator, Chris Kirk, gave an introduction.

Steve Schroyer gave a presentation.

Mayor Karspeck opened it up to public comment.
No one spoke during public comment.
Mayor Karspeck closed public comment.

Mayor Pro-Tem Grace moved to direct staff to choose Option 1: Roundabout construction with a cost-sharing agreement to be negotiated between the applicant and the Town as outlined in the attached materials. Reimbursement would come in the form of traffic impact fees collected at the time of building permit; with the addition to place pedestrian lights around the roundabout unless such action is refused by CDOT. Trustee Murphy seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

5.IX. Executive Session

Trustee Ayers moved to enter into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. And the following details are provided: Town Administrator Annual Evaluation. Mayor Pro-Tem Grace seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED.

Mayor Karspeck directed Attorney Smith to take Administrator Kirks current contract with the 3% already built in and include an additional 3% raise plus an additional 5% bonus to bring it up to \$228,660 plus an additional 40 hours per year.

Attorney Smith will bring the contract back at the first meeting in January.

6. Elected Official Reports

Trustee Kurtz:

Trustee Kurtz reported on the Holiday Light Parade.

Trustee Hardy:

Trustee Hardy inquired about the Town holiday party and the Larimer County Sheriff's report.

Trustee Ayers:

Trustee Ayers inquired about information on snow shoveling in the winter.

Trustee Murphy:

Trustee Murphy reported on the energy cohort, and gas infrastructure and land use bills from the State. Trustee Murphy reported on the most recent Tree Committee meeting and inquired about short-term rentals.

Mayor Pro-Tem Grace:

Mayor Pro-Tem Grace reported on the upcoming Youth Advisory Commission meeting. Grace inquired about an issue with the sign code and code enforcement, and CDOT updates.

Mayor Karspeck:

Mayor Karspeck reported on railroad crossings, the passenger rail, and the anniversary of the Larimer County Behavioral Health facility.

Attorney Smith:

Attorney Smith wished everyone a happy holiday and expressed gratitude for the approval of her rate increase for 2024.

7. Adjourn

The meeting was adjourned at 9:34 pm.

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT OF CHRISTOPHER KIRK
FOR TOWN OF BERTHOUD**

This First Amendment to the Employment Agreement for Christopher Kirk as Town Administrator for the Town of Berthoud, Colorado is made and entered into as of this 9th day of January, 2024.

Whereas, the Town and Mr. Kirk entered into an employment contract (the “Agreement”), dated as of the 11th day of May, 2023; and

Whereas, the Board conducted its review of the Administrator’s performance based on input from the Board members and staff on December 12, 2023; and

Whereas, this First Amendment has been approved by a majority vote of the Board in open session, and the Mayor is hereby directed to execute this First Amendment on behalf of the Town of Berthoud.

Now Therefore, in consideration of the premises and mutual covenants and conditions herein, the Parties, intending to be legally bound, hereby agree as follows:

1. **Salary:** Paragraph 5(a) of the Agreement is hereby amended to increase Mr. Kirk’s annual salary to \$228,660, retroactive to and effective as of January 1, 2024.
2. **Vacation Hours.** Paragraph 5(f) of the Agreement is hereby amended to increase Mr. Kirk’s annual vacation leave to 160 hours. Such leave, to the extent not utilized in any calendar year, may be accumulated and utilized in subsequent years up to a maximum of 240 hours.
3. **Bonus.** In recognition of Mr. Kirk’s performance, Mr. Kirk shall be paid a bonus of five percent (5%) of his annual salary (i.e. 5% of \$228,660, or \$11,433), subject to all required withholdings and deductions.
4. **Ratification.** All terms and provisions of the Agreement not amended hereby, either expressly or by necessary implication, shall remain in full force and effect. From and after the date of this First Amendment, all references to the term “Agreement” in this First Amendment or the original Agreement shall include the terms contained in this First Amendment.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to Employment Agreement effective as of the date listed above.

Dated this 9th day of January, 2024.

TOWN OF BERTHOUD:

William Karspeck, Mayor

Christopher Kirk, Town Administrator

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	January 9, 2024
Agenda Title/Subject:	Resolution designating Official Posting Places
Type of Item:	Consent Agenda
Purpose:	To designate the official posting place for public notices in accordance with Title 24.
Presented by:	Christian Samora

ATTACHMENTS:

- a) Resolution 2024-01 Designating the Official Posting Place for Public Notices

BACKGROUND:

The Town Board annually designates the place for posting public notices in accordance with Title 24 of State Statute. The official posting places are currently on the Town website and at Town Hall on the bulletin board.

It is important that the official posting places are under the control of the Town. Posting in public places that are not controlled by the Town can be problematic if notices are removed and a meeting is no longer properly noticed.

Local media outlets also receive an e-mail with links to meeting materials as well as press releases.

UPDATE/NEXT STEPS:

No additional action is needed.

FISCAL IMPACT AND FUND SOURCE:

There is no fiscal impact.

RECOMMENDED ACTION(S):

Approve this resolution as part of the Consent Agenda.

TOWN OF BERTHOUD, COLORADO
RESOLUTION NO. 01
(Series 2024)

A RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF BERTHOUD, COLORADO DESIGNATING THE PLACE FOR THE POSTING OF PUBLIC NOTICES FOR TOWN BOARD MEETINGS AND OTHER TOWN BUSINESS.

WHEREAS, the Colorado Opening Meeting Law requires the Town to annually designate the place or places at which the Town shall post notices of Town meetings and other public notices; and

WHEREAS, the Town Board desires to designate the following places for the posting of public notices for the convenience of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD FOR THE TOWN OF BERTHOUD, COLORADO that the following public places shall be and are hereby designated for the posting of notices for public meetings and other town business:

- The Town of Berthoud website: www.berthoud.org
- Main bulletin board located at Town Hall, 807 Mountain Avenue, Berthoud, Colorado. The main bulletin board will be utilized for all notices of public meetings and will substitute the Town of Berthoud website in the event of technical difficulty.

RESOLVED, APPROVED and ADOPTED this 9th day of January, 2024.

TOWN OF BERTHOUD

By: _____
William Karspeck, Mayor

[SEAL]

ATTEST:

Christian R. Samora, Town Clerk

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	January 9, 2024
Agenda Title/Subject:	Purchasing Policy
Type of Item:	Consent Agenda
Purpose:	Update the Town's Adopted Purchasing and Bidding Policy
Presented by:	Chris Kirk

ATTACHMENTS:

- Purchasing and Bidding Policy

BACKGROUND:

The Town has an adopted policy that outlines procedures for purchasing or contracting for products, services, and projects. The most recent update was approved by the Town Board on September 12, 2017. Staff suggests making some minor changes to the policy as outlined below.

- Clarify that Purchase Orders are not required when there is a contract for services, products, or projects that has been signed by the Town Administrator. Instead, the contract will serve as the purchase order.
- Remove the requirement to post bid notices in a newspaper of general circulation. Posting of bid notices to on the Town's website will serve as legal notice.
- Removal of requirement to hold mandatory pre-bid meetings. This will instead be a decision made by the project manager based on the specifics of the project.

FISCAL IMPACT AND FUND SOURCE:

There is no direct fiscal impact related to these changes. There may be minor savings associated with reduced staff time needs and costs of newspaper publishing.

RECOMMENDED ACTION(S):

APPROVE THE RESOLUTION ADOPTING THE TOWN'S UPDATED PURCHAING AND BIDDING POLICY

TOWN OF BERTHOUD, COLORADO
RESOLUTION NO. 02
(Series 2024)

**A RESOLUTION OF THE TOWN OF BERTHOUD, COLORADO
AMENDING PURCHASING AND EXPENDITURE APPROVAL
POLICIES**

WHEREAS, the Town of Berthoud has previously adopted a Purchasing and Bidding Procedures Policy; and

WHEREAS, the Town of Berthoud establishes an annual budget for projected expenditure of funds which includes the purchase of equipment and capital construction projects; and

WHEREAS, the Board of Trustees of the Town desires to have express rules designed to facilitate regular operations while retaining oversight over the use of public funds; and

WHEREAS, larger projects and expenditures require evidence that the amounts paid are commercially reasonable and should be subject to further review; and

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

1. The Board of Trustees of the Town of Berthoud hereby adopts the amended Purchasing and Bidding Procedures Policy attached hereto and incorporated herein by reference as Attachment "A".

RESOLVED, APPROVED and ADOPTED this 9th day of January, 2024.

TOWN OF BERTHOUD

By: _____
William Karspeck, Mayor

[SEAL]

ATTEST:

Christian R. Samora, Town Clerk



Town of Berthoud

Purchasing and Bidding Procedures

Adopted February 13, 2001

Amended July 24, 2012

Amended September 12, 2017

Amended January 9, 2024

Board of Trustees

William Karspeck, Mayor
Mike Grace, Mayor Pro Tem
May Albrecht, Trustee
Karl Ayers, Trustee
Tim Hardy, Trustee
Sean Murphy, Trustee
Chris Kurtz, Trustee

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I. BASIC PURCHASING POLICY

This policy applies to every department, agency, commission, bureau or other unit of the Town.

A purchase order shall be obtained from the Town Administrator or any person(s) designated by the Town Administrator to act on behalf of the Administrator, on all purchases \$2,500.00 or greater before making a purchase. Purchases of products and services of less than \$2,500.00 shall be pre-approved by the applicable department head. A detailed receipt of the purchase shall be signed by the employee and department head and filed with the Finance Department within one business day after the purchase.

On items over \$5,000.00, but under \$50,000.00 a telephone solicitation shall be done to obtain at least three (3) bids. The bid amounts and bidders shall be listed on a solicitation sheet (see Appendix A) and filed with the purchase order for the item(s) concerned.

On items over \$50,000.00 at least three (3) written bids shall be obtained. The written bids, along with the results of the bids shall be filed with the purchase order for the item(s) concerned.

Unsuccessful bidders may view information on the outcome of the bid as listed on the solicitation sheet by contacting the applicable Department Head.

Purchase Orders are not required if a contract for services, product, or project has been signed by the Town Administrator. The contract will serve as the Purchase Order.

Section IX "Conflict of Interest" provisions shall apply to this section.

II. NORMAL BIDDING POLICY & GUIDELINES

The Town of Berthoud requires formal sealed bidding on projects and equipment expected to cost \$50,000.00 or more. In these cases, bid packages shall be prepared and posted on the Town's website as well as other online resources. In cases where competitive bidding is required by grant or loan terms, those rules shall take priority over these.

Each bid package shall contain complete instructions for submission of the bid. Bidders will be directed to complete the bid in its entirety. Bidders will also be required to identify any flaws in the bid, to the Town Administrator or Department Head overseeing the bidding. All bids must be clearly identified by bid number and title on the face of the envelope containing the bid. Bid package fees, if applicable, are not refundable unless all bids are rejected; in this case fees may be refunded.

Bids shall customarily be publicly opened at the time and date specified in the bid packages. NO late bids or telephone bids will be accepted. Openings are generally held at Town Hall located at 807 Mountain Ave in Berthoud Colorado.

After bids are opened, there will be an evaluation of the bids. The successful bidder shall be required to furnish certificates of insurance and Workers Compensation, and may be required to furnish bid bonds and performance-payment bonds, as specified in the bid documents.

The bid documents shall state that the Town of Berthoud reserves the right to reject any and all bids. In the case of rejection of all bids on construction projects, a staff recommendation will be made to the Board of Trustees to reject all bids by motion, which, if rejected, will be made a part of the public record.

In normal circumstances, after the bid opening and evaluation of bids, a contract will be issued to the successful bidder. All bids awarded shall be in the best interest of the Town and the lowest bid may not be selected in all situations. (See definitions 2 & 11 in the section titled "Glossary")

Progress payments for construction projects shall be set forth in the contract and shall be approved in advance by the Town Administrator, or, in the case of Public Works projects, the Director of Public Works. The average payment period by the Town of Berthoud Finance Department is thirty (30) days after review and approval of the invoice.

The Town of Berthoud contract documents shall require a minimum warranty on all work performed of two (2) years, unless otherwise specified in the bid package documents.

Once a contract is awarded, there shall be no changes to that contract without the written authorization of a change order by the Town Project Supervisor and the Town Administrator. The contract shall state that no verbal changes or agreements shall be binding upon the Town or its representatives. The official Town of Berthoud Change Order will be the only acceptable instrument for execution of changes to a contract. (See Appendix B)

The Board of Trustees reserves the right to waive competitive bidding under circumstances that it may find to be in the best interest of the Town.

The Board of Trustees will designate, in the resolution approving the annual Town budget, projects and purchases which will require board approval before acceptance of bids. All other projects and equipment purchases will be approved by the Town Administrator unless otherwise directed by the Board of Trustees during the budget process.

III. EXCEPTIONS

The bid policy shall apply to every department, agency, commission, bureau or other unit of the Town except as set forth, all or in part, in this section:

- a. When a bid project or purchase involves the expenditure of State or Federal assistance or contract funds, the Town shall follow any mandatory requirements of applicable State or Federal law and implementing regulations.
- b. Nothing in this policy shall prevent the Town from complying with the terms and conditions of any grant, gift bequest or cooperative agreement. Competitive procedures and public disclosure shall be followed whenever possible.
- c. Procurement of professional services is excepted from competitive bid regulations. Requests for competitive proposals may be accepted for such services.
- d. When supplies or equipment are purchased using the State of Colorado contracts available to local units of government.
- e. When supplies, equipment or services are so specialized that there are a limited number of known, documented sources, or a single source.
- f. When supplies or equipment are purchased in large quantities that are required for the basic operation of Town facilities (i.e. chemicals, road sand, and aggregates).
- g. When advertising for bids constitutes no advantage in quality, price, or service to the Town, or when the "best interest of the Town" is not served by advertising for bids.
- h. This policy shall not be applicable to the leasing, rental, acquisition or disposition of real property.
- i. Any exceptions taken under this section shall be documented with a copy provided to the Town Administrator.

IV. LOCAL BUSINESS PREFERENCE

No provision is made in this policy for preferential consideration of local vendors or contractors. It is however, the policy of the Town to solicit bids from local suppliers whenever and wherever such competitive local sources exist, and where no sacrifice or loss in price or quality would result.

V. SOLICITATION TIME

The minimum time for solicitation of bids shall be 14 calendar days. When special requirements exist, the Town may lengthen or shorten the bid time, but in no case, shall the time cycle be shortened if it will reduce competition. Complicated bids may have a time period which is longer than the standard 14 calendar days. Solicitation times of less than 14 days shall be documented by the Town Administrator or appointed representative as to why a reduced bid period was required.

VI. RECEIPT OF BIDS

Upon receipt, each bid shall be time-stamped by machine or by hand and shall be stored in a secure place until bid opening time. Bids shall not be opened upon receipt except for unidentified bids, which may be opened for purposes of identification and resealed in the presence of 2 witnesses.

VII. EMERGENCY PURCHASING – DEFINITION OF SITUATION AND GUIDELINES

An emergency situation is one which creates a threat to public health, welfare or safety such as may arise by reason of flooding, utility failures, epidemics, riots, equipment failures or other such reason as may be proclaimed by the Town Administrator or duly appointed representative. The existence of such condition creates an immediate and serious need for supplies, equipment, materials or services that cannot be met through normal bidding or purchasing methods and the lack of which would threaten, inhibit or impair the function of town government or its programs.

Emergency purchase shall be limited to those supplies, equipment materials or services necessary to meet the emergency.

Any department may make emergency purchases when an emergency condition arises and the need cannot be met through normal bidding methods. In the event an emergency arises after normal working hours, the department head shall notify the Town Administrator immediately. Documentation shall be filed listing the situation and action taken.

VIII. CONFLICT OF INTEREST

Any Town Board member desiring to bid on Town of Berthoud projects shall contact the Secretary of State's Office and submit statements as required by that office. A copy of these statements shall remain on file at the Town Hall during the board member's term of office. Should the board member be a bidder, contractor, sub-contractor, supplier or consultant on a project, he or she shall withdraw from the Board Room, refrain from discussions about the project with any other Trustee or Staff Member, and shall not vote on the proposed contract.

IX. GLOSSARY

1. AWARD – The acceptance of a bid or proposal; the presentation of a purchase agreement or contract to a bidder.
2. BEST INTEREST OF THE TOWN – A term frequently used in granting a Town official the authority to use discretion to take action felt to be the most advantageous to the public interest, peace, health, or safety.
3. BID – An offer, as a price whether for payment or acceptance. A tender given specifically to a prospective purchaser upon request, usually in competition with other bidders.
4. BID BOND – An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event that a bid is accepted and the bidder fails to accept the contract as awarded.
5. BIDDER'S LIST – A list maintained by any department of the Town, setting out the names and addresses of suppliers of various goods and services from whom bids, proposals and quotations may be solicited.
6. CHANGE ORDER – A fully executed change to an awarded and accepted bid, usually in progress. See Appendix B
7. CONTRACT – Any type of Town agreement, regardless of what it may be called, for the procurement or disposal of supplies, equipment, materials or services.
8. EMERGENCY PURCHASE – A purchase made without following the normal purchasing procedures in order to obtain goods or services to meet an urgent and unexpected requirement.
9. EVALUATION OF BID – The process of examining a bid after opening to determine the bidder's responsibility, responsiveness to requirements and to ascertain other characteristics of the bid and bidder that relate to selection of the successful bidder.
10. LEGAL NOTICE – Notice of a proposed purchase as required by law. Depending on the legal requirement, notice may be satisfied by posting an announcement of the purchase in a public place, notification of the appropriate bidders from the bidders list, formal advertisement in a newspaper of general circulation, or a combination of these methods.
11. LOWEST RESPONSIBLE BIDDER – Originally the bidder submitting the lowest initial price and capable of performing the proposed contract. Under current purchasing concepts, generally the same as the lowest responsive and responsible bidder, or the bidder who submits the lowest and best bid considered to be in the best interest of the Town.
12. PERFORMANCE BOND – A contract of guaranty executed subsequent to award by a successful bidder to protect the Town from loss due to contractor's inability to complete the contract as agreed.
13. PROPOSAL – An offer made by one party to another as a basis for negotiations for entering into a contract.
14. PUBLIC WORKS DIRECTOR – The director of Public Works department or any person designated by the Town Administrator to act on behalf of the director.
15. RESPONSIBLE BIDDER – That bidder who has the capability in all respects to perform in full the contract requirements, and the integrity and reliability that will assure the complete and timely compliance with the bid specifications and contract.
16. SEALED BID – A bid which has been submitted in a sealed envelope, to prevent its contents from being revealed or known before the deadline for the submission of all bids.

17. SPECIFICATIONS – Any description of the physical, functional or performance characteristics, or of the nature of a supply, service or construction item. A specification includes as appropriate, requirements of inspecting, testing or preparing a supply, service or construction item for delivery.
18. TOWN – The Town of Berthoud, including any department, agency, commission, bureau or unit of the Town government.
19. TOWN ADMINISTRATOR – Chief Administrative Official on all town business appointed to that position by the town board, to see that all business conducted is in the best interest of the Town.
20. WAIVER OF BIDS – A process authorized by the Town Administrator to purchase items without competitive bidding procedures, due to unique situations or emergency situations.

Town of Berthoud
807 Mountain Ave
PO Box 1229
Berthoud, CO 80513

BID SHEET (TELEPHONE SOLICITATIONS)

DEPARTMENT _____ DATE _____

PURPOSE OF BID _____

DEPARTMENT HEAD _____

BID #1

NAME OF COMPANY _____

STREET ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____

PRICE EACH _____ TOTAL _____

NOTES _____

BID #2

NAME OF COMPANY _____

STREET ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____

PRICE EACH _____ TOTAL _____

NOTES _____

BID #3

NAME OF COMPANY _____

STREET ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____

PRICE EACH _____ TOTAL _____

NOTES _____

COMMENTS _____

RESULTS OF BID _____

CHANGE ORDER NUMBER _____

Project: _____

Owner:	Town of Berthoud	Contractor:	_____
	PO Box 1229		_____
	Berthoud, CO 80513		_____

Description (Identify the specific contract provisions being changed): _____

Justification: _____

Revision in Contract Amount:	Original Contract Amount	\$ _____
	Prior Contract Adjustments	\$ _____
	Additional Charges Caused by this Change Order	\$ _____
	Reductions in Charges Caused by this Change Order	\$ _____
	Revised Contract Amount	\$ _____

Revision in Contract Time:	Original Completion Date	_____
	Prior Time Adjustments	_____
	Revised Contract Time	_____
	Revised Completion Date	_____

Approved by Owner _____ Date _____

Approved by Contractor _____ Date _____

Berthoud Board Update

December 2023



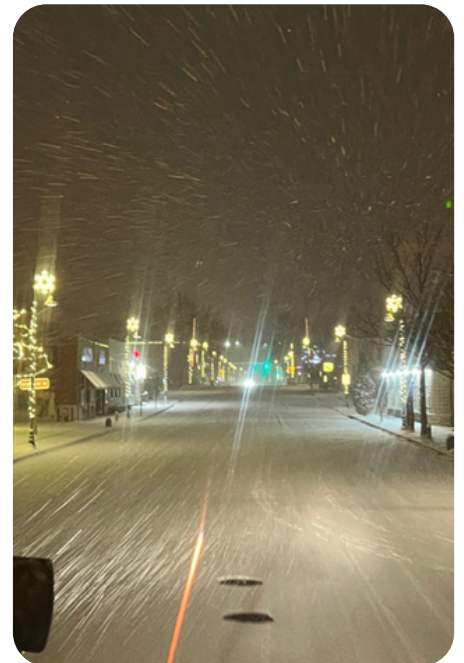
STREETS

Submitted By Brandon Keegan, Streets Supervisor

In November, the Streets Department performed various tasks such as leaf clean-up with the street sweepers, snow plow maintenance, and excavation work.

We received our second snow storm this winter, with a total of 7 inches of accumulation.

Before the snow fell, the Streets Crew worked together to clean up the leaves in Old town.





Rise Bakery Alley- Construction on the alley has been needed for some time because of big potholes and improper drainage. It's now pothole free and looking great.



County Road 7- The streets crew dug a ditch to help with drainage coming from Ball Aerospace Drive.

Hammond Farms- There was sinking around the manhole on Cadman Street, so excavation work was performed as well as an asphalt patch.



COMMUNITY DEVELOPMENT

Submitted By Anne Johnson, Planning Director

Building Division data for 2022 and year-to-date in 2023:



New Single Family

24 in November, 2023
223 total in 2022
197 year to date in 2023



New Commercial

3 in November, 2023
58 total in 2022
65 year to date in 2023



Number of "other"

44 in November, 2023
525 total in 2022
437 year to date in 2023



Engineering

Construction Site Inspections: 51
Town Projects Inspected: 45
Response to Citizen Questions: 3
MS4 Inspections: 8
ROW Inspections: 3

Planning



Public Assistance (calls, emails, site visits)
Walk-ins : 6
Emails : 833
Phone calls : 68
Site Visits : 0



Pre-Application meetings : 2
Public Hearings/Applications presented : 10
Codes/Comp Plan Action Items in-process: 19



PARKS & CEMETERY

Submitted By Sami Kouns, Parks Supervisor

November presented the opportunity for the Parks and Cemetery Departments to work in conjunction with each other. As daily maintenance requirements decreased, both departments were able to accomplish other projects that coincided with the time of the year. The month of

November was mostly spent winterizing various things, from parklets and batting cages to irrigation systems and everything in between. Parklet takedown and storage and pulling the cages in happened within the first few days in November. The rest of the month was filled with two main things. Waiting until we can finally blow out the Waggener Farm Park irrigation system and leaf pickup around town. In addition to these two jobs, Christmas lights and holiday decorations had to be put up and turned on before Thanksgiving break. Once we were finally able to start blowing out the Rec Center irrigation, it took an entire week to complete it. Over the Thanksgiving holiday weekend, people from both departments had to come in for snow removal every day to target priority spots like the Waggener Rec Center entrance and bus stops. The month concluded with addressing some bathroom issues at the pavilion at Waggener by changing out the toilet paper dispensers for new ones that could accommodate bigger rolls. All in all, the month of November was a busy one that kicked off the winter work season.



Parks and Cemetery Leaf Pickup

As leaves continued to fall, the Parks Department and Cemetery Departments worked hand in hand to tackle parks with a high number of large trees. Fickel Park, Pioneer Park, the Greenlawn Cemetery, and the Parks Shop Building were picked up weekly with mowers to maintain the aesthetic of these places.

Starting the week of November 6th through the 22nd, Christmas lights and holiday decorations were put up around town. From Waggener Farm Park on the west side of town, to Pioneer Park on the east side of town, every park in some way shape of form has some decorations to accompany the holiday season.



RECREATION

Submitted By Amanda Gustafson, Director of Recreation | Cultural Services

Operations, Memberships & Marketing

This month's focus was completing staff evaluations, staff training, marketing and registering participants for winter programs and preparing for upcoming special events.

In the month of November, the Recreation Center sold 67 new memberships, had 4,813 drop-in customers, and 7,177 members check-in.

Sports & Programs

Sports is still going strong with 1st-2nd grade basketball played a bulk of their games this month with 15 teams, around 85 participants, playing games on Saturdays at the Recreation Center.



Fitness & Active Adults

Specialty classes saw a strong turnout in November including new classes such as Dumbbell Club (11 registered), Cardio Cycle (10, class is full), and Sunrise Strength (12 registered). Classes that are included with membership also saw steady growth in November including the 6:00 am Bootcamp class that averaged 28 attendees on Tuesday and Thursday mornings.

ACTIVE ADULTS (50+)

Our 50+ participants had fun attending the Candlelight trip to see The Million Dollar Quartet. The trip was completely full once again and our trip in February is nearly full as well. The card games/social hour is now averaging 8-10 participants per meeting which is continued growth in that program since its start



Aquatics

November in aquatics saw our patron load continue to rise. The pools are feeling full during open swim hours, and we are seeing an increase in all water classes, both lessons and fitness classes. The last swim lesson session saw over 150 swimmers enroll and participate in lessons with another 33 swimmers swimming on the swim team competing monthly across the northern front range



TREES

Submitted By Paul Furnas, Town Forester

The primary objectives for the Forestry and Open Space departments for the month of November were wrapping up the fall planting season, wrapping trees, putting the final touches on the bike park, and decorating the town for the holidays. The Forestry Department rushed to plant the replacement STEP trees this year before the ground froze solid. Forestry and Open Space staff worked together to install lights on the four spruce trees at Fickel Park, as well as installing the decorations on Main Street. Open Space staff finished the irrigation blowouts at Jaskowski's and the Reservoir. Both crews assisted in cleaning up the Thanksgiving snowstorm.



To wrap up new upgrades for the Bike Park for the year, five large spruce trees were ordered from a local grower and transplanted in the Bike Park parking lot. These five Colorado Blue Spruces were transplanted using a tree spade. The trees measure about 20 feet tall and 10 feet wide. Forestry and Open Space staff built berms around the base of these trees to collect the massive amount of water it will take to make these trees successful.

Colorado is a harsh place for many trees, so researchers and municipalities partner in the Select Tree Evaluation Program (STEP). Uncommon but promising trees are selected and sent out to many municipalities and research organizations in Colorado to plant the trees and monitor their establishment, growth, and tolerance of Colorado's climate. If the trees survive and thrive, the tree might be another viable species that can be used in Colorado's towns. If the trees die, it also provides data that the tree was not a good candidate for Colorado. Tree science is a slow science that takes many years to develop useful data. The Forestry Department was eager to work with the STEP program in Colorado.



The view from the 135-foot boom lift in Fickel Park .



TOWN OF BERTHOUD AT A GLANCE

Monthly Report NOVEMBER 2023

- Sales & Use Tax revenue is 62% **over** budget for the month of November; \$1,197,571 was received and \$739,250 was budgeted.
- Town Revenue through November including transfers between funds is 47% **over** budget for 2023.
- Town Expenditures through November are 60% **under** budget for 2023.

Sales Tax Review

NOVEMBER	Berthoud Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined Total
2023	751,360.31	135,738.41	310,471.91	1,197,570.63
2022	730,313.34	183,279.83	93,495.70	1,007,088.87
2021	675,424.06	158,279.58	213,038.24	1,046,741.88
2020	484,310.44	128,617.18	286,839.05	899,766.67

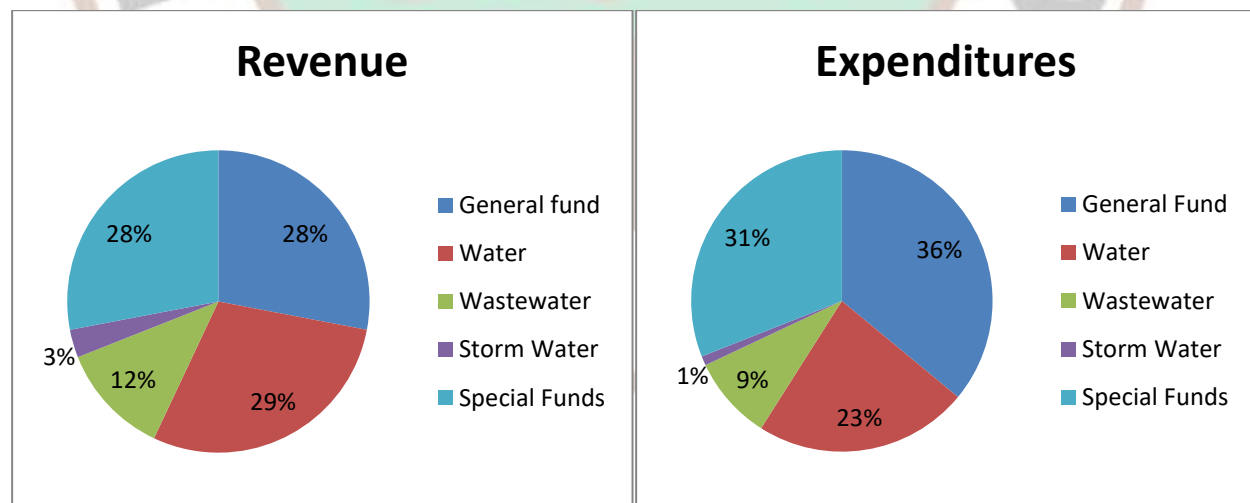
SALES TAX YEAR-TO-DATE FOR 2023

\$11,463,077.43

COMBINED STATEMENT OF REVENUES AND EXPENDITURES
NOVEMBER 2023

REVENUE	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	1,229,060	11,921,002	9,455,015	126%	116%
Water	966,472	12,563,551	6,311,153	199%	182%
Wastewater	596,508	5,570,765	4,152,967	134%	123%
Storm Water	140,913	1,216,954	721,967	169%	155%
Special Funds	1,310,218	11,606,346	8,555,662	136%	124%
TOTAL REVENUE	4,243,171	42,878,618	29,196,764	147%	135%

EXPENDITURES	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	1,393,247	10,802,254	18,052,195	60%	55%
Water	224,833	6,924,332	32,775,559	21%	19%
Wastewater	158,198	2,807,910	7,296,745	38%	35%
Storm Water	4,722	83,233	640,172	13%	12%
Special Funds	1,033,233	9,383,345	16,522,343	57%	52%
TOTAL EXPENDITURES	2,814,233	30,001,074	75,287,014	40%	37%

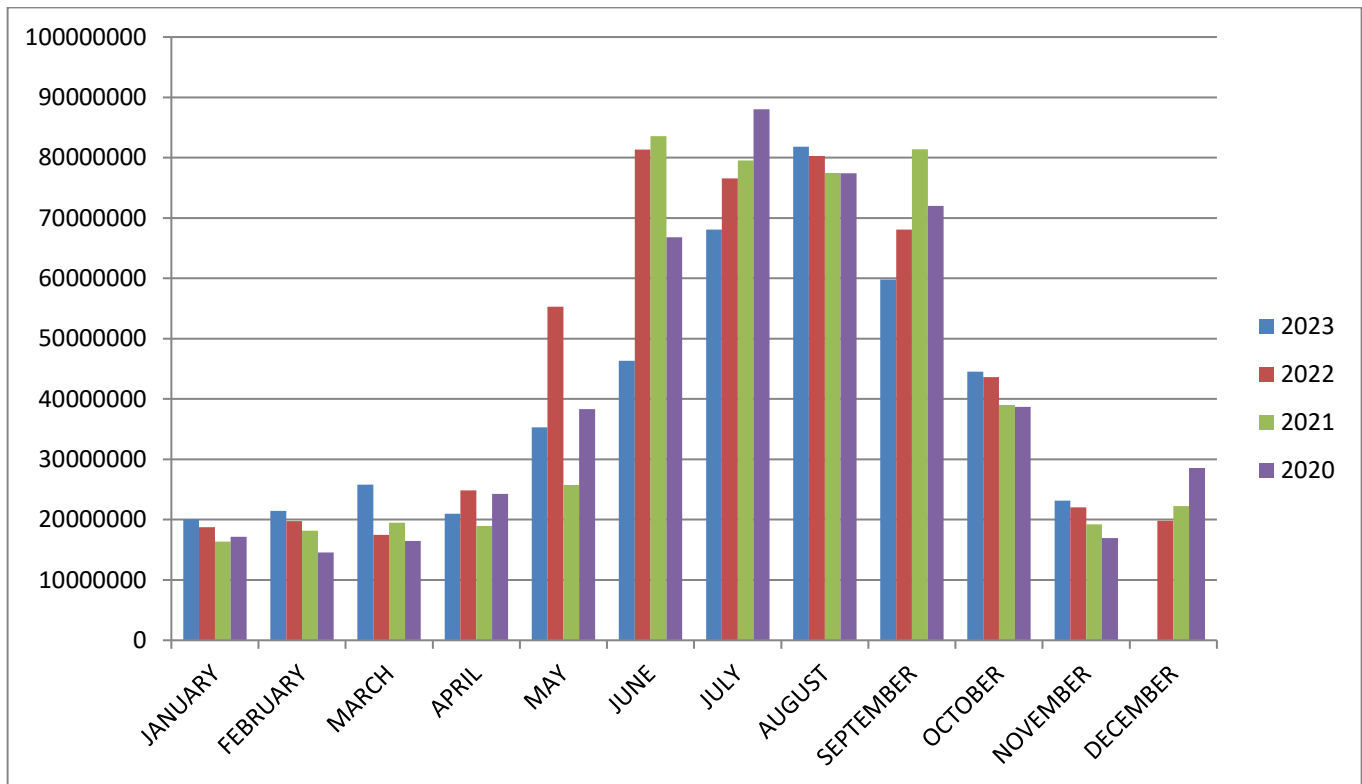


2023

	YEAR TO DATE TOTALS THRU NOVEMBER 2023
Single Family Permits	196
Overall Permit Total	693
Water Gallons Billed	447,332,000
Passports	1161
Cemetery	21 Funerals

Building Permit & Permit Valuation by Year & 2023 YTD					
	2019	2020	2021	2022	2023 YTD
Single-Family home permits	448	505	508	222	196
All permits (roofing, decks, additions, etc.)	752	934	1110	809	693
Total Permit Value	\$124,840,545	\$119,451,932	\$238,661,288	\$164,526,847	\$110,193,135

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		

NOVEMBER 2023

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

	GENERAL FUND				PERCENTAGE
	REVENUE				YTD ACTUAL vs
	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2023 BUDGET	YTD BUDGET
TAXES	\$ 686,319.77	\$ 7,704,086.55	\$ 6,861,800.00	\$ 7,485,600.00	112.3%
LICENSES & PERMITS	\$ 13,144.05	\$ 215,667.78	\$ 223,666.67	\$ 244,000.00	96.4%
INTERGOVERNMENTAL REVENUE	\$ 48,603.61	\$ 469,879.61	\$ 358,493.67	\$ 391,084.00	131.1%
FINES	\$ 2,300.00	\$ 25,967.00	\$ 14,208.33	\$ 15,500.00	182.8%
MISCELLANEOUS	\$ 438,397.07	\$ 2,920,734.45	\$ 1,437,333.33	\$ 1,568,000.00	203.2%
TRANSFERS	\$ 31,114.54	\$ 329,728.85	\$ 326,620.25	\$ 356,313.00	101.0%
PROPERTY SALES & DONATIONS & INS CLAIM	\$ -	\$ 15,827.28	\$ -	\$ -	0.0%
RECREATION	\$ 744.10	\$ 135,548.30	\$ 142,867.08	\$ 155,855.00	94.9%
PARKS	\$ 40.00	\$ 9,473.00	\$ 7,058.33	\$ 7,700.00	134.2%
LEASE REVENUE	\$ 8,397.30	\$ 94,089.14	\$ 82,967.50	\$ 90,510.00	113.4%
TOTAL REVENUE GENERAL FUND	\$ 1,229,060.44	\$ 11,921,001.96	\$ 9,455,015.17	\$ 10,314,562.00	126.1%

<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	\$ 106,538.07	\$ 1,187,908.86	\$ 1,336,187.42	\$ 1,457,659.00	88.9%
GENERAL OFFICE OTHER	\$ 35,940.75	\$ 551,331.46	\$ 606,242.08	\$ 661,355.00	90.9%
ELECTIONS	\$ -	\$ 778.00	\$ 5,500.00	\$ 6,000.00	0.0%
MUNICIPAL COURT	\$ 5,312.55	\$ 38,722.45	\$ 40,150.00	\$ 43,800.00	96.4%
BOARD & BOARD MEETINGS	\$ 5,567.47	\$ 70,350.74	\$ 58,758.33	\$ 64,100.00	119.7%
FINANCE	\$ -	\$ 9,779.80	\$ 18,333.33	\$ 20,000.00	53.3%
BUILDING MAINTENANCE	\$ 8,605.51	\$ 60,470.64	\$ 97,166.67	\$ 106,000.00	62.2%
COMMUNITY SUPPORT	\$ -	\$ 69,877.14	\$ 6,416.67	\$ 7,000.00	1089.0%
NON-ENTITLEMENT FUNDS	\$ -	\$ -	\$ -	\$ -	0.0%
TRANSFERS	\$ 1,666.67	\$ 18,333.37	\$ 18,333.33	\$ 20,000.00	100.0%
TOTAL ADMIN EXPENDITURES	\$ 163,631.02	\$ 2,007,552.46	\$ 2,187,087.83	\$ 2,385,914.00	91.8%
<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)	\$ 5,440.03	\$ 55,616.41	\$ 79,398.00	\$ 86,616.00	70.0%
TELEPHONE/OFFICE SUPPLIES/ADMIN	\$ -	\$ 1,122.17	\$ 6,875.00	\$ 7,500.00	16.3%
ANIMAL CONTROL	\$ 3,826.83	\$ 42,095.13	\$ 42,166.67	\$ 46,000.00	99.8%
TRAFFIC CONTROL/PEDESTRIAN SAFETY	\$ -	\$ -	\$ 916.67	\$ 1,000.00	0.0%
DRUG EDUCATION	\$ -	\$ -	\$ 15,583.33	\$ 17,000.00	0.0%
LARIMER COUNTY SHERIFF	\$ -	\$ 1,695,258.00	\$ 2,076,250.00	\$ 2,265,000.00	81.6%
TOTAL PUBLIC SAFETY EXPENDITURES	\$ 9,266.86	\$ 1,794,091.71	\$ 2,221,189.67	\$ 2,423,116.00	80.8%
<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	\$ 36,761.16	\$ 362,681.12	\$ 459,035.50	\$ 500,766.00	79.0%
ADMINISTRATION OTHER	\$ 648.34	\$ 18,452.15	\$ 44,000.00	\$ 48,000.00	41.9%
STREET REPAIR/MAINTENANCE	\$ 19,434.16	\$ 200,468.58	\$ 237,875.00	\$ 259,500.00	84.3%
WEED CONTROL	\$ 741.17	\$ 10,459.09	\$ 2,750.00	\$ 3,000.00	380.3%
SIGNAGE	\$ 9,561.30	\$ 32,539.83	\$ 36,666.67	\$ 40,000.00	88.7%
SNOW REMOVAL	\$ -	\$ 66,468.81	\$ 105,416.67	\$ 115,000.00	63.1%
SHOP & VEHICLE MAINTENANCE	\$ 6,728.67	\$ 100,300.45	\$ 139,333.33	\$ 152,000.00	72.0%
TOTAL STREETS EXPENDITURES	\$ 73,874.80	\$ 791,370.03	\$ 1,025,077.17	\$ 1,118,266.00	77.2%

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

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
ADMIN SALARIES/TAXES/BENEFITS	\$ 25,667.49	\$ 283,159.48	\$ 318,109.92	\$ 347,029.00	89.0%
ADMINISTRATION (SUPPLIES, CONCESSIONS)	\$ 1,453.83	\$ 39,699.61	\$ 64,240.00	\$ 70,080.00	61.8%
FLAG FOOTBALL	\$ -	\$ 8,872.66	\$ 11,504.17	\$ 12,550.00	77.1%
TRACK	\$ -	\$ 4,776.04	\$ 4,409.17	\$ 4,810.00	108.3%
TENNIS	\$ -	\$ 3,934.25	\$ 7,865.00	\$ 8,580.00	50.0%
ADULT SOFTBALL	\$ -	\$ -	\$ 4,711.67	\$ 5,140.00	0.0%
YOUTH BASEBALL	\$ -	\$ 16,513.98	\$ 16,225.00	\$ 17,700.00	101.8%
YOUTH SOFTBALL	\$ -	\$ 6,903.93	\$ 9,769.83	\$ 10,658.00	70.7%
ADULT KICKBALL	\$ 253.07	\$ 2,363.00	\$ 3,501.67	\$ 3,820.00	67.5%
SOCCER	\$ -	\$ 13,499.69	\$ 19,763.33	\$ 21,560.00	68.3%
CAMPS/TOURNAMENTS	\$ -	\$ 5,021.52	\$ 5,775.00	\$ 6,300.00	87.0%
ADDITIONAL PROGRAMS	\$ -	\$ -	\$ 6,627.50	\$ 7,230.00	0.0%
TOTAL RECREATION EXPENDITURES	\$ 27,374.39	\$ 384,744.16	\$ 472,502.25	\$ 515,457.00	81.4%

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

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 40,372.65	\$ 388,704.76	\$ 573,023.92	\$ 625,117.00	67.8%
ADMINISTRATION OTHER	\$ 1,760.57	\$ 14,800.74	\$ 34,420.83	\$ 37,550.00	43.0%
INSECT CONTROL	\$ -	\$ 33,167.00	\$ 41,250.00	\$ 45,000.00	80.4%
FACILITIES MAINTENANCE	\$ 3,138.16	\$ 46,855.99	\$ 48,125.00	\$ 52,500.00	97.4%
TURF/BALLFIELDS	\$ 873.25	\$ 64,486.52	\$ 79,750.00	\$ 87,000.00	80.9%
GENERAL PARKS	\$ 3,003.69	\$ 77,542.58	\$ 79,291.67	\$ 86,500.00	97.8%
FLEET MAINTENANCE	\$ 2,010.84	\$ 20,730.47	\$ 21,083.33	\$ 23,000.00	98.3%
SEASONAL DECORATIONS/BANNERS	\$ 6,587.96	\$ 8,539.66	\$ 20,166.67	\$ 22,000.00	42.3%
TRANSFER TO FORESTRY	\$ 41,666.67	\$ 458,333.37	\$ 458,333.33	\$ 500,000.00	100.0%
TOTAL PARKS EXPENDITURES	\$ 99,413.79	\$ 1,113,161.09	\$ 1,355,444.75	\$ 1,478,667.00	82.1%

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	\$ 12,480.84	\$ 135,406.40	\$ 141,777.17	\$ 154,666.00		95.5%
ADMINISTRATION OTHER	\$ 1,019.02	\$ 6,030.76	\$ 8,974.17	\$ 9,790.00		67.2%
BUSINESS DEVELOPMENT/MARKETING	\$ 1,502.89	\$ 67,366.90	\$ 88,650.83	\$ 96,710.00		76.0%
GRANTS - MARKET STUDY & FAÇADE/SIGN	\$ -	\$ -	\$ 45,833.33	\$ 50,000.00		0.0%
TOTAL ECONOMIC DEV EXPENDITURES	\$ 15,002.75	\$ 208,804.06	\$ 285,235.50	\$ 311,166.00		73.2%

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	\$ 19,186.82	\$ 163,067.84	\$ 202,797.83	\$ 221,234.00		80.4%
ADMINISTRATION OTHER	\$ 466.32	\$ 3,263.78	\$ 11,673.75	\$ 12,735.00		28.0%
INSPECTIONS	\$ 45,588.63	\$ 507,552.88	\$ 484,000.00	\$ 528,000.00		104.9%
TOTAL BUILDING DEPARMENT EXPENDITURES	\$ 65,241.77	\$ 673,884.50	\$ 698,471.58	\$ 761,969.00		96.5%

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	\$ 23,764.75	\$ 174,067.70	\$ 245,564.00	\$ 267,888.00		70.9%
ADMINISTRATION OTHER	\$ 1,036.51	\$ 12,215.33	\$ 19,332.50	\$ 21,090.00		63.2%
COMMISSION SUPPORT	\$ 1,861.12	\$ 2,701.61	\$ 10,541.67	\$ 11,500.00		25.6%
DEVELOPMENT REVIEW	\$ 167,265.04	\$ 162,512.54	\$ 183,333.33	\$ 200,000.00		0.0%
COMPREHENSIVE PLANNING	\$ 13,897.25	\$ 89,408.46	\$ 176,916.67	\$ 193,000.00		50.5%
TOTAL PLANNING DEPARTMENT EXPENDITURES	\$ 207,824.67	\$ 440,905.64	\$ 635,688.17	\$ 693,478.00		69.4%

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	\$ 6,847.99	\$ 67,741.19	\$ 58,346.75	\$ 63,651.00	116.1%
ADMINISTRATION OTHER	\$ 1,210.43	\$ 3,749.11	\$ 4,074.58	\$ 4,445.00	92.0%
COMMUNITY SUPPORT	\$ 360.00	\$ 10,682.04	\$ 34,741.67	\$ 37,900.00	30.7%
TOTAL ECONOMIC DEV EXPENDITURES	\$ 8,418.42	\$ 82,172.34	\$ 97,163.00	\$ 105,996.00	84.6%

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	\$ -	\$ -	\$ 25,666.67	\$ 28,000.00	0.0%
BUILDING MAINTENANCE	\$ 1,023.97	\$ 14,389.13	\$ 6,508.33	\$ 7,100.00	221.1%
BUILDING REPAIRS	\$ -	\$ 485.00	\$ -	\$ -	0.0%
HOA FEES	\$ 3,860.86	\$ 42,469.46	\$ 44,000.00	\$ 48,000.00	96.5%
PURCHASE/DEVELOPMENT EXPENSE	\$ -	\$ -	\$ -	\$ -	0.0%
ADMINISTRATION FEES	\$ -	\$ -	\$ -	\$ -	0.0%
TOTAL MOUNTAIN AVE EXPENDITURES	\$ 4,884.83	\$ 57,343.59	\$ 76,175.00	\$ 83,100.00	75.3%

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	\$ 714,750.41	\$ 3,199,042.47	\$ 8,874,043.75	\$ 9,680,775.00	36.0%
REMOVE OLD POOL	\$ -	\$ 375.00	\$ -	\$ -	0.0%
TOTAL CONTRIBUTION EXPENDITURES	\$ 3,563.08	\$ 48,807.33	\$ 124,116.67	\$ 135,400.00	39.3%

TOTAL EXPENDITURES GENERAL FUND	\$ 1,393,246.79	\$ 10,802,254.38	\$ 18,052,195.34	\$ 19,693,304.00
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TOTAL REVENUE OVER EXPENDITURES	\$ (164,186.35)	\$ 1,118,747.58	\$ (8,597,180.17)	\$ (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	\$ 369,401.08	\$ 6,954,652.64	\$ 1,919,041.67	\$ 2,093,500.00	362.4%
TOTAL SOURCE OF SUPPLY EXPENDITURES	\$ 98,719.80	\$ 4,369,384.66	\$ 27,563,662.50	\$ 30,069,450.00	15.9%
NET REVENUE OVER EXPENDITURES	\$ 270,681.28	\$ 2,585,267.98	\$ (25,644,620.83)	\$ (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	\$ 328,311.96	\$ 3,474,897.11	\$ 2,696,833.33	\$ 2,942,000.00	128.9%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 32,819.36	\$ 371,468.52	\$ 689,480.92	\$ 752,161.00	53.9%
ADMINISTRATION OTHER	\$ 17,793.87	\$ 463,191.33	\$ 440,733.33	\$ 480,800.00	105.1%
DISTRIBUTION	\$ 6,018.66	\$ 174,468.64	\$ 464,383.33	\$ 506,600.00	37.6%
TREATMENT	\$ 40,136.76	\$ 581,162.77	\$ 644,416.67	\$ 703,000.00	90.2%
PROFESSIONAL SERVICES	\$ 1,230.50	\$ 391,966.17	\$ 545,416.67	\$ 595,000.00	71.9%
UTILITY BILLING	\$ 627.69	\$ 9,025.16	\$ 12,100.00	\$ 13,200.00	74.6%
IMPROVEMENTS	\$ 9,111.24	\$ 142,073.37	\$ 1,237,500.00	\$ 1,350,000.00	11.5%
TRANSFER	\$ 18,375.00	\$ 202,125.00	\$ 604,893.67	\$ 659,884.00	33.4%
TOTAL WATER OPERATING EXPENDITURES	\$ 126,113.08	\$ 2,335,480.96	\$ 4,638,924.58	\$ 5,060,645.00	50.3%
NET REVENUE OVER EXPENDITURES	\$ 202,198.88	\$ 1,139,416.15	\$ (1,942,091.25)	\$ (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	\$ 268,758.58	\$ 2,134,000.88	\$ 1,695,277.83	\$ 1,849,394.00	125.9%
TOTAL WATER PLANT CAPITAL EXPENDITURES	\$ -	\$ 219,466.38	\$ 572,971.67	\$ 625,060.00	38.3%
NET REVENUE OVER EXPENDITURES	\$ 268,758.58	\$ 1,914,534.50	\$ 1,122,306.16	\$ 1,224,334.00	

TOTAL WATER FUND REVENUE	\$ 966,471.62	\$ 12,563,550.63	\$ 6,311,152.83	\$ 6,884,894.00	199.1%
TOTAL WATER FUND EXPENDITURES	\$ 224,832.88	\$ 6,924,332.00	\$ 32,775,558.75	\$ 35,755,155.00	21.1%
NET REVENUE OVER EXPENDITURES	\$ 741,638.74	\$ 5,639,218.63	\$ (26,464,405.92)	\$ (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	\$ 320,490.12	\$ 3,518,707.60	\$ 2,777,958.33	\$ 3,030,500.00	126.7%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 13,229.02	\$ 120,760.69	\$ 157,616.25	\$ 171,945.00	76.6%
ADMINISTRATION OTHER	\$ 3,584.82	\$ 162,898.06	\$ 170,527.50	\$ 186,030.00	95.5%
MAIN WASTEWATER TREATMENT PLANT	\$ 28,288.81	\$ 372,245.25	\$ 500,270.83	\$ 545,750.00	74.4%
REGIONAL I-25 TREATMENT PLAN	\$ 22,243.69	\$ 49,865.87	\$ 79,062.50	\$ 86,250.00	63.1%
COLLECTION SYSTEM	\$ 7,508.75	\$ 123,121.74	\$ 185,625.00	\$ 202,500.00	66.3%
PROFESSIONAL SERVICES	\$ 4,424.15	\$ 514,151.54	\$ 596,750.00	\$ 651,000.00	86.2%
UTILITY BILLING	\$ 567.69	\$ 8,781.16	\$ 12,100.00	\$ 13,200.00	72.6%
TRANSFER	\$ 8,750.00	\$ 96,250.00	\$ 96,250.00	\$ 105,000.00	100.0%
IMPROVEMENTS	\$ -	\$ 15,240.00	\$ 1,562,916.67	\$ 1,705,000.00	1.0%
BOND	\$ -	\$ 830,906.99	\$ 832,654.17	\$ 908,350.00	99.8%
TOTAL WASTEWATER EXPENDITURES	\$ 88,596.93	\$ 2,294,221.30	\$ 4,193,772.92	\$ 4,575,025.00	54.7%
NET REVENUE OVER EXPENDITURES	\$ 231,893.19	\$ 1,224,486.30	\$ (1,415,814.59)	\$ (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	\$ 276,017.50	\$ 2,052,057.79	\$ 1,375,009.17	\$ 1,500,010.00	149.2%
TOTAL WASTEWATER CAPITAL EXPENDITURES	\$ 69,601.21	\$ 513,688.21	\$ 3,102,971.67	\$ 3,385,060.00	16.6%
NET REVENUE OVER EXPENDITURES	\$ 206,416.29	\$ 1,538,369.58	\$ (1,727,962.50)	\$ (1,885,050.00)	
TOTAL WASTEWATER FUND REVENUE	\$ 596,507.62	\$ 5,570,765.39	\$ 4,152,967.50	\$ 4,530,510.00	134.1%
TOTAL WASTEWATER FUND EXPENDITURES	\$ 158,198.14	\$ 2,807,909.51	\$ 7,296,744.59	\$ 7,960,085.00	38.5%
TOTAL REVENUE OVER EXPENDITURES	\$ 438,309.48	\$ 2,762,855.88	\$ (3,143,777.09)	\$ (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	\$ 64,285.20	\$ 683,489.23	\$ 440,916.67	\$ 481,000.00	155.0%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ -	\$ 1,138.05	\$ -	\$ -	#DIV/0!
ADMINISTRATION OTHER	\$ 875.00	\$ 9,625.00	\$ 21,367.50	\$ 23,310.00	45.0%
STREET CLEANING	\$ 595.94	\$ 56,668.98	\$ 87,083.33	\$ 95,000.00	65.1%
PROFESSIONAL SERVICES	\$ 761.25	\$ 13,310.97	\$ 73,333.33	\$ 80,000.00	18.2%
IMPROVEMENTS	\$ -	\$ -	\$ -	\$ -	#DIV/0!
TOTAL STORM WATER EXPENDITURES	\$ 2,232.19	\$ 80,743.00	\$ 181,784.17	\$ 198,310.00	44.4%
NET REVENUE OVER EXPENDITURES	\$ 62,053.01	\$ 602,746.23	\$ 259,132.50	\$ 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	\$ 76,628.12	\$ 533,464.35	\$ 281,050.00	\$ 306,600.00	189.8%
TOTAL STORM WATER CAPITAL EXPENDITURES	\$ 2,490.00	\$ 2,490.00	\$ 458,388.33	\$ 500,060.00	0.5%
NET REVENUE OVER EXPENDITURES	\$ 74,138.12	\$ 530,974.35	\$ (177,338.33)	\$ (193,460.00)	
TOTAL STORM WATER FUND REVENUE	\$ 140,913.32	\$ 1,216,953.58	\$ 721,966.67	\$ 787,600.00	168.6%
TOTAL STORM WATER FUND EXPENDITURES	\$ 4,722.19	\$ 83,233.00	\$ 640,172.50	\$ 698,370.00	13.0%
TOTAL REVENUE OVER EXPENDITURES	\$ 136,191.13	\$ 1,133,720.58	\$ 81,794.17	\$ 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	\$ 142,949.51	\$	854,596.29	\$	603,533.33	\$	658,400.00		141.6%
TOTAL PARK DEVELOPMENT EXPENDITURES	\$ 956.50	\$	1,192,792.82	\$	1,952,555.00	\$	2,130,060.00		61.1%
NET REVENUE OVER EXPENDITURES	\$ 141,993.01	\$	(338,196.53)	\$	(1,349,021.67)	\$	(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	\$ 37,148.49	\$	226,177.53	\$	183,333.33	\$	200,000.00		123.4%
TOTAL PARK DEDICATION EXPENDITURES	\$ -	\$	(1,323.75)	\$	137,555.00	\$	150,060.00		-1.0%
NET REVENUE OVER EXPENDITURES	\$ 37,148.49	\$	227,501.28	\$	45,778.33	\$	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	\$ 41,691.73	\$	513,590.76	\$	423,683.33	\$	462,200.00		121.2%
TOTAL PUBLIC FACILITIES EXPENDITURES	\$ 1,159.81	\$	14,341.37	\$	320,888.33	\$	350,060.00		4.5%
NET REVENUE OVER EXPENDITURES	\$ 40,531.92	\$	499,249.39	\$	102,795.00	\$	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	\$ 43,957.62	\$	588,634.25	\$	541,291.67	\$	590,500.00		108.7%
EXPENDITURES									
SALARIES/TAXES/BENEFITS	\$ 23,514.42	\$	251,241.79	\$	305,211.50	\$	332,958.00		82.3%
ADMINISTRATION OTHER	\$ 1,010.73	\$	22,027.11	\$	23,659.17	\$	25,810.00		93.1%
PARK MAINTENANCE & IMPROVEMENTS	\$ 7,992.00	\$	45,441.95	\$	81,583.33	\$	89,000.00		55.7%
TREE MAINTENANCE	\$ 7,547.61	\$	88,517.60	\$	63,708.33	\$	69,500.00		138.9%
EAB RESPONSE	\$ -	\$	7,678.00	\$	41,250.00	\$	45,000.00		18.6%
TOTAL CONSERVATION TRUST EXPENDITURES	\$ 40,064.76	\$	414,906.45	\$	515,412.33	\$	562,268.00		80.5%
NET REVENUE OVER EXPENDITURES	\$ 3,892.86	\$	173,727.80	\$	25,879.34	\$	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	\$ 41,563.28	\$	447,767.82	\$	479,416.67	\$	523,000.00		93.4%
TOTAL LARIMER COUNTY EXPENDITURES	\$ 68,009.22	\$	1,295,393.45	\$	1,485,055.00	\$	1,620,060.00		87.2%
NET REVENUE OVER EXPENDITURES	\$ (26,445.94)	\$	(847,625.63)	\$	(1,005,638.33)	\$	(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	\$ 2,618.70	\$	70,968.49	\$	64,625.00	\$	70,500.00		109.8%
EXPENDITURES									
SALARIES/TAXES/BENEFITS	\$ 4,780.99	\$	42,328.75	\$	59,209.33	\$	64,592.00		71.5%
FUNERALS	\$ -	\$	930.00	\$	2,750.00	\$	3,000.00		0.0%
MAINTENANCE	\$ 36.13	\$	19,648.09	\$	25,309.17	\$	27,610.00		77.6%
IMPROVEMENTS	\$ -	\$	972.00	\$	32,083.33	\$	35,000.00		0.0%
TOTAL CEMETERY ENDOWMENT EXPENDITURES	\$ 4,817.12	\$	63,878.84	\$	119,351.83	\$	130,202.00		53.5%
NET REVENUE OVER EXPENDITURES	\$ (2,198.42)	\$	7,089.65	\$	(54,726.83)	\$	(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	\$ 5,833.80	\$ 88,700.36	\$ 68,291.67	\$ 74,500.00	129.9%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 7,802.40	\$ 83,132.39	\$ 93,344.17	\$ 101,830.00	89.1%
ADMINISTRATION OTHER	\$ -	\$ 2,268.59	\$ 4,633.75	\$ 5,055.00	49.0%
DRIVING	\$ 1,874.19	\$ 23,619.19	\$ 27,225.00	\$ 29,700.00	86.8%
SERVICES	\$ -	\$ 80,685.02	\$ 97,166.67	\$ 106,000.00	83.0%
TOTAL BATS EXPENDITURES	\$ 9,676.59	\$ 189,705.19	\$ 222,369.58	\$ 242,585.00	85.3%
NET REVENUE OVER EXPENDITURES	\$ (3,842.79)	\$ (101,004.83)	\$ (154,077.91)	\$ (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	\$ 128,528.51	\$ 1,306,015.52	\$ 628,008.33	\$ 685,100.00	208.0%
TOTAL ROAD IMPACT EXPENDITURES	\$ 3,713.34	\$ 245,518.36	\$ 577,841.92	\$ 630,373.00	42.5%
NET REVENUE OVER EXPENDITURES	\$ 124,815.17	\$ 1,060,497.16	\$ 50,166.41	\$ 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	\$ 60,178.08	\$ 630,545.83	\$ 368,500.00	\$ 402,000.00	171.1%
TOTAL RECREATIONAL MMJ EXPENDITURES	\$ -	\$ 1,083,077.40	\$ 1,164,221.67	\$ 1,270,060.00	93.0%
NET REVENUE OVER EXPENDITURES	\$ 60,178.08	\$ (452,531.57)	\$ (795,721.67)	\$ (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	\$ 320,838.71	\$ 2,639,991.07	\$ 2,040,270.83	\$ 2,225,750.00	129.4%
TOTAL 1998 1% EXPENDITURES	\$ 35,366.14	\$ 2,207,044.77	\$ 4,326,721.67	\$ 4,720,060.00	51.0%
NET REVENUE OVER EXPENDITURES	\$ 285,472.57	\$ 432,946.30	\$ (2,286,450.84)	\$ (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	\$ 148,956.45	\$ 1,447,828.83	\$ 1,119,937.50	\$ 1,221,750.00	129.3%
SALES TAX REVENUE/INTEREST	\$ 335,953.27	\$ 2,791,529.43	\$ 2,034,770.83	\$ 2,219,750.00	137.2%
TOTAL 2019 1% REVENUE	\$ 484,909.72	\$ 4,239,358.26	\$ 3,154,708.33	\$ 3,441,500.00	134.4%
RECREATION CENTER OPERATING EXPENSES	\$ 128,469.48	\$ 1,545,871.82	\$ 1,910,870.50	\$ 2,084,586.00	80.9%
COP PAYMENT AND OTHER EXPENSES	\$ 741,000.00	\$ 1,132,138.46	\$ 3,789,500.00	\$ 4,134,000.00	29.9%
TOTAL 2019 1% EXPENDITURES	\$ 869,469.48	\$ 2,678,010.28	\$ 5,700,370.50	\$ 6,218,586.00	47.0%
NET REVENUE OVER EXPENDITURES	\$ (384,559.76)	\$ 1,561,347.98	\$ (2,545,662.17)	\$ (2,777,086.00)	
TOTAL SPECIAL FUNDS REVENUE	\$ 1,310,218.15	\$ 11,606,346.18	\$ 8,555,662.49	\$ 9,333,450.00	
TOTAL SPECIAL FUNDS EXPENDITURES	\$ 1,033,232.96	\$ 9,383,345.18	\$ 16,522,342.84	\$ 18,024,374.00	
TOTAL REVENUE OVER EXPENDITURES	\$ 276,985.19	\$ 2,223,001.00	\$ (7,966,680.35)	\$ (8,690,924.00)	

TOTAL REVENUE	\$ 4,243,171.15	\$ 42,878,617.74	\$ 29,196,764.66	\$ 31,851,016.00	
TOTAL EXPENDITURES	\$ 2,814,232.96	\$ 30,001,074.07	\$ 75,287,014.01	\$ 82,131,288.00	

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



**BILLS SUMMARY
NOVEMBER 2023 FINAL**

BILLS ALLOWED

TOTAL BILLS	\$ 2,143,722
NET PAYROLL	\$ 275,213

Mayor William Karspeck

Mayor Pro-Tem Mike Grace

Trustee May Albrecht

Trustee Karl Ayers

Trustee Tim Hardy

Trustee Chris Kurtz

Trustee Sean Murphy

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
1100200400							
110123300							
11/23	11/06/2023	110123	Allstate	NOVEMBER	11-00-200400	Insurance Payable	881.83
110123305							
11/23	11/14/2023	110123	CIGNA	NOVEMBER	11-00-200400	Insurance Payable	34,959.40
Total 1100200400:							35,841.23
1100221050							
110123302							
11/23	11/06/2023	110123	Guardian	NOVEMBER	11-00-221050	Payroll Deduction Payable	4,950.75
Total 1100221050:							4,950.75
1100430500							
75184							
11/23	11/13/2023	75184	Montelongo, Carlos	2023ROW-00	11-00-4305-00	Utility Road Cut Permit	115.00
Total 1100430500:							115.00
1100465400							
75425							
11/23	11/30/2023	75425	Kevin or Dina McCarty	REFUND	11-00-4654-00	Development Review	7,270.50
Total 1100465400:							7,270.50
1101501001							
75069							
11/23	11/07/2023	75069	Xerox Business Solutions	4715601	11-01-5010.01	Office Supplies-General Office	811.54
75078							
11/23	11/09/2023	75078	Culligan of Cheyenne	52281	11-01-5010.01	Office Supplies-General Office	82.00
75189							
11/23	11/21/2023	75189	Digital Print Resources Inc	21691	11-01-5010.01	Office Supplies-General Office	475.00
75227							
11/23	11/21/2023	75227	Quadient Finance USA, Inc	11212023	11-01-5010.01	Office Supplies-General Office	1,421.00
75307							
11/23	11/30/2023	75307	Digital Print Resources Inc	21696	11-01-5010.01	Office Supplies-General Office	897.75
Total 1101501001:							3,687.29
1101501003							
75303							
11/23	11/22/2023	75303	Pioneer Press of Greeley	94419	11-01-5010.03	Office Supplies-Court	143.00
Total 1101501003:							143.00
1101501101							
75225							
11/23	11/08/2023	75225	Voice Exchange (Paragon	60405-45824	11-01-5011.01	Telephone-General Office	38.00
Total 1101501101:							38.00
1101501501							
75223							
11/23	11/08/2023	75223	Healthiest You	20231161432	11-01-5015.01	Insurance	756.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1101501501:							756.00
1101501804							
75200							
11/23	11/08/2023	75200	Berthoud Weekly Surveyor	38378	11-01-5018.04	Publications/Legal Notice	639.64
75261							
11/23	11/14/2023	75261	Prairie Mountain Media	364541	11-01-5018.04	Publications/Legal Notice	19.43
Total 1101501804:							659.07
1101502103							
74038							
11/23	11/30/2023	74038	March, Olive & Sapienza, L	Multiple	11-01-5021.03	Municipal Judge	1,367.46
75250							
11/23	11/30/2023	75250	March, Olive & Sapienza, L	Multiple	11-01-5021.03	Municipal Judge	1,367.46
Total 1101502103:							.00
1101503800							
75063							
11/23	11/07/2023	75063	Hays Market	OCTOBER 2	11-01-5038.00	Administrative Expenses	159.78
75279							
11/23	11/16/2023	75279	Brookside Gardens	35856512	11-01-5038.00	Administrative Expenses	2,112.00
Total 1101503800:							2,271.78
1101503901							
75065							
11/23	11/07/2023	75065	IMC	26347	11-01-5039.01	Dues/Subscriptions-Admin	310.00
Total 1101503901:							310.00
1101504003							
75267							
11/23	11/15/2023	75267	Bell Gould Linder & Scott P	36475	11-01-5040.03	Attorney-Municipal Court	2,034.43
Total 1101504003:							2,034.43
1101504004							
75081							
11/23	11/09/2023	75081	Foot Law Firm	363	11-01-5040.04	Attorney-Board Meetings	1,100.00
Total 1101504004:							1,100.00
1101504601							
75306							
11/23	11/28/2023	75306	Cardmember Service	OCT23	11-01-5046.01	Uniforms	30,844.96
Total 1101504601:							30,844.96
1101508907							
75202							
11/23	11/08/2023	75202	C & B Cleaning	Multiple	11-01-5089.07	Janitorial Service & Supplies	6,620.00
75216							
11/23	11/08/2023	75216	Rallo's Window Cleaning	2890	11-01-5089.07	Janitorial Service & Supplies	2,802.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1101508907:							9,422.00
1101509501							
75199							
11/23	11/08/2023	75199	Anchor Network Solutions	43885	11-01-5095.01	Computer Maintenance/Replace	150.00
75221							
11/23	11/08/2023	75221	Anchor Network Solutions	Multiple	11-01-5095.01	Computer Maintenance/Replace	5,813.29
Total 1101509501:							5,963.29
1101509601							
75059							
11/23	11/07/2023	75059	Comcast	NOVEMBER	11-01-5096.01	Internet	20.60
Total 1101509601:							20.60
1101524701							
75280							
11/23	11/16/2023	75280	Caselle Inc.	12809	11-01-5247.01	Software-Admin	1,000.00
Total 1101524701:							1,000.00
1102501004							
75177							
11/23	11/09/2023	75177	Office Depot	Multiple	11-02-5010.04	Office Supplies-Code Enf	174.42
Total 1102501004:							174.42
1102503404							
75224							
11/23	11/08/2023	75224	Larimer Humane Society	1033	11-02-5034.04	Animal Control	3,826.83
Total 1102503404:							3,826.83
1103504102							
75254							
11/23	11/14/2023	75254	4Rivers Equipment	1543949	11-03-5041.02	Equipment Rental	300.00
75255							
11/23	11/14/2023	75255	BeeLine Trucking	2359	11-03-5041.02	Equipment Rental	275.00
75276							
11/23	11/15/2023	75276	Wagner Welding Supply C	165197	11-03-5041.02	Equipment Rental	56.00
75298							
11/23	11/22/2023	75298	BeeLine Trucking	2388	11-03-5041.02	Equipment Rental	275.00
Total 1103504102:							906.00
1103504506							
75068							
11/23	11/07/2023	75068	University Auto Parts-NAP	Multiple	11-03-5045.06	Shop Operations	678.41
75172							
11/23	11/09/2023	75172	Cintas First Aid & Safety	Multiple	11-03-5045.06	Shop Operations	675.00
75269							
11/23	11/15/2023	75269	Larimer Co Solid Waste	OCT23	11-03-5045.06	Shop Operations	128.70
75293							
11/23	11/22/2023	75293	Mountain View Commercial	Multiple	11-03-5045.06	Shop Operations	3,963.18

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1103504506:							5,445.29
1103504704							
75291							
11/23	11/22/2023	75291	Fastenal Company	COGRE1862	11-03-5047.04	Signs & Signage	218.20
Total 1103504704:							218.20
1104504823							
75076							
11/23	11/09/2023	75076	BVGSA/IPGSA	2023	11-04-5048.23	Team Fees-Youth Softball	2,950.00
Total 1104504823:							2,950.00
1104505051							
75256							
11/23	11/14/2023	75256	BSN Sports LLC	923205373	11-04-5050.51	Equipment-Camp	118.61
Total 1104505051:							118.61
1104505601							
75273							
11/23	11/15/2023	75273	Smart Marketing with Easy	5060	11-04-5056.01	Brochures/Advertising	8,548.57
Total 1104505601:							8,548.57
1104506001							
75286							
11/23	11/16/2023	75286	Team Sideline	13350	11-04-5060.01	Recreation Tracking Software	649.00
Total 1104506001:							649.00
1106511006							
75281							
11/23	11/16/2023	75281	Crazy Good Marketing	3689	11-06-5110.06	Professional Serv-Consultants	168.90
Total 1106511006:							168.90
1107501209							
75285							
11/23	11/16/2023	75285	Poudre Valley REA	NOV23	11-07-5012.09	Utilities-facilities/gen parks	1,424.63
Total 1107501209:							1,424.63
1107502004							
75296							
11/23	11/22/2023	75296	Thirsty Soil Solutions	Multiple	11-07-5020.04	Weed/turf maint contract	2,446.00
Total 1107502004:							2,446.00
1107504601							
75229							
11/23	11/27/2023	75229	Middlesworth, William	UNIFORM 11	11-07-5046.01	Uniforms	224.73
75230							
11/23	11/27/2023	75230	Schachterle, John	UNIFORM 11	11-07-5046.01	Uniforms	245.96

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
1111502601							
75278							
11/23	11/16/2023	75278	Awards Unlimited	37497	11-11-5026.01	Tree Committee	111.00
Total 1111502601:							111.00
1111518603							
75260							
11/23	11/14/2023	75260	Plan Tools LLC	23-31	11-11-5186.03	Development Code Updates	4,229.00
75294							
11/23	11/22/2023	75294	Plan Tools LLC	23-29	11-11-5186.03	Development Code Updates	5,591.90
Total 1111518603:							9,820.90
1111518902							
75075							
11/23	11/09/2023	75075	Baseline Engineering Corp.	OCTOBER20	11-11-5189.02	DEVELOPMENT REVIEW	40,302.00
Total 1111518902:							40,302.00
1112503901							
75222							
11/23	11/08/2023	75222	Berthoud Village Shopping	NOV23	11-12-5039.01	HOA Fees	3,860.86
Total 1112503901:							3,860.86
1113502001							
75067							
11/23	11/07/2023	75067	Picture This Creative Servi	241-R-0008	11-13-5020.01	Prof Services-Community	300.00
Total 1113502001:							300.00
2000510402							
75270							
11/23	11/15/2023	75270	Leonard Rice Engineers In	24639	20-00-5104.02	Water Resource Master Plan	17,956.35
Total 2000510402:							17,956.35
2000510602							
75226							
11/23	11/21/2023	75226	Handy Ditch Company	1360	20-00-5106.02	Ditchwide Study	460.00
Total 2000510602:							460.00
2000512302							
75188							
11/23	11/16/2023	75188	Municipal Subdistrict	5070	20-00-5123.02	Water Purchase	500.00
Total 2000512302:							500.00
2000520802							
75262							
11/23	11/14/2023	75262	Providence Infrastructure C	14	20-00-5208.02	Raw Line Maintenance	12,542.62
Total 2000520802:							12,542.62

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2100441000							
75094							
11/23	11/07/2023	75094	GRACE, CASEY A	896.3	21-00-4410-00	Sale of Water	113.52
75095							
11/23	11/07/2023	75095	BUSCH, CALEB C & AND	814.2	21-00-4410-00	Sale of Water	120.91
75096							
11/23	11/07/2023	75096	NORRIS-LANGLEY, SAMA	11174.2	21-00-4410-00	Sale of Water	39.87
75097							
11/23	11/07/2023	75097	CURRAN, JACK & BETHA	2469.2	21-00-4410-00	Sale of Water	106.37
75098							
11/23	11/07/2023	75098	RGB ENTERPRISES LLC	Multiple	21-00-4410-00	Sale of Water	119.24
75101							
11/23	11/13/2023	75101	DR Horton	Multiple	21-00-4410-00	Sale of Water	2,440.78
75102							
11/23	11/14/2023	75102	CONLEY, DAVID & ASHLE	11656.2	21-00-4410-00	Sale of Water	133.96
75103							
11/23	11/15/2023	75103	HAY, JO ANN	9331.3	21-00-4410-00	Sale of Water	135.62
75104							
11/23	11/21/2023	75104	STONEBROOKE HOMES	12249.1	21-00-4410-00	Sale of Water	271.35
75105							
11/23	11/27/2023	75105	Asphalt Specialties CO Inc	HM0825	21-00-4410-00	Sale of Water	1,965.62
75106							
11/23	11/28/2023	75106	BERTHOUD HOMES, LLC	HM0818	21-00-4410-00	Sale of Water	2,191.23
Total 2100441000:							7,638.47
2100500901							
75060							
11/23	11/07/2023	75060	Gabbard, Nathan	11012023	21-00-5009.01	Travel, Training	13.37
Total 2100500901:							13.37
2100501001							
75194							
11/23	11/06/2023	75194	USPS-Berthoud	NOV23	21-00-5010.01	Office Supplies	2,587.39
Total 2100501001:							2,587.39
2100501101							
75057							
11/23	11/07/2023	75057	CenturyLink	NOVEMBER	21-00-5011.01	Telephone	409.47
75064							
11/23	11/07/2023	75064	Hilltop Broadband	3582-202310	21-00-5011.01	Telephone	194.70
Total 2100501101:							604.17
2100501203							
75197							
11/23	11/08/2023	75197	AGFINITY INC	I72958	21-00-5012.03	Utilities-Treatment	673.51
Total 2100501203:							673.51
2100504601							
75228							
11/23	11/27/2023	75228	Calderon, Armando	UNIFORM 10	21-00-5046.01	Uniforms	124.43

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 2100504601:							124.43
2100505601							
75207							
11/23	11/08/2023	75207	Foley Boyz Lawn Care LLC	4112198	21-00-5056.01	Facility Maintenance	375.00
Total 2100505601:							375.00
2100505702							
75209							
11/23	11/08/2023	75209	Jones Excavating & Plumbi	5243	21-00-5057.02	Repair, Maint, Supp Dist	11,520.00
75263							
11/23	11/14/2023	75263	Ramey Environmental	Multiple	21-00-5057.02	Repair, Maint, Supp Dist	103,955.99
Total 2100505702:							115,475.99
2100505703							
75283							
11/23	11/16/2023	75283	Hach Co.	13810599	21-00-5057.03	Repair, Maint, Supp Treat	1,471.36
Total 2100505703:							1,471.36
2100506003							
75205							
11/23	11/08/2023	75205	DPC Industries Inc.	Multiple	21-00-5060.03	Chemicals-Treatment	10,540.78
Total 2100506003:							10,540.78
2100510603							
75219							
11/23	11/08/2023	75219	USA Bluebook	Multiple	21-00-5106.03	Lab Equipment/Supplies	1,479.66
Total 2100510603:							1,479.66
2100510902							
75257							
11/23	11/14/2023	75257	Dana Kepner	Multiple	21-00-5109.02	Meters-repairs	24,333.40
Total 2100510902:							24,333.40
2100512401							
75062							
11/23	11/07/2023	75062	Handy Ditch Company	1307	21-00-5124.01	Water Assessments	102.50
Total 2100512401:							102.50
2100528403							
75259							
11/23	11/14/2023	75259	Little Thompson Water Dist	OCT2023	21-00-5284.03	Contract Water Treatment	3,956.24
Total 2100528403:							3,956.24
2300441000							
75099							
11/23	11/13/2023	75099	MCCOY, HELEN	126 1	23-00-4410-00	Wastewater Charges	36.43

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
75100							
11/23	11/13/2023	75100	ORTH, M.B.	1376.1	23-00-4410-00	Wastewater Charges	91.94
Total 2300441000:							128.37
2300501101							
75058							
11/23	11/07/2023	75058	Comcast	185008276	23-00-5011.01	Telephone-Main Plant	1,570.17
Total 2300501101:							1,570.17
2300501201							
75213							
11/23	11/08/2023	75213	Poudre Valley REA	OCT23-2	23-00-5012.01	Utilities-Main Plant	12,138.41
75292							
11/23	11/22/2023	75292	Little Thompson Water Dist	OCT23	23-00-5012.01	Utilities-Main Plant	158.96
75304							
11/23	11/22/2023	75304	Poudre Valley REA	NOV23-2	23-00-5012.01	Utilities-Main Plant	306.29
Total 2300501201:							12,803.66
2300501203							
75066							
11/23	11/07/2023	75066	Little Thompson Water Dist	OCTOBER 2	23-00-5012.03	Utilities	31.96
Total 2300501203:							31.96
2300505701							
75275							
11/23	11/15/2023	75275	Trojan Technologies	200/541	23-00-5057.01	Repair, Maint. & Supplies-Main	14,882.31
Total 2300505701:							14,882.31
2300505703							
75264							
11/23	11/14/2023	75264	UNCC	223100184	23-00-5057.03	Repair, Maint. & Supplies-Lift	505.68
Total 2300505703:							505.68
2300510801							
75203							
11/23	11/08/2023	75203	Colorado Analytical Labs, I	Multiple	23-00-5108.01	Lab Tests-Main Plant	3,521.11
Total 2300510801:							3,521.11
2300511402							
75258							
11/23	11/14/2023	75258	Denali Water Solutions	Multiple	23-00-5114.02	Sludge Hauling-Regional	2,460.08
75282							
11/23	11/16/2023	75282	Denali Water Solutions	638052	23-00-5114.02	Sludge Hauling-Regional	790.92
Total 2300511402:							3,251.00
2300511601							
75180							
11/23	11/09/2023	75180	Rocky Mountain Microscop	13897	23-00-5116.01	Lab Equipment/supplies	425.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 2300511601:							425.00
2300521405							
110123301							
11/23	11/06/2023	110123	Caselle Inc.	NOVEMBER	23-00-5214.05	Computer Maint/Replacement	1,728.00
Total 2300521405:							1,728.00
2400501900							
113023300							
11/23	11/30/2023	113023	Alfa Construction LLC	NOVEMBER	24-00-5019.00	ALFA Line Reimbursement	15,400.00
Total 2400501900:							15,400.00
2900526102							
75220							
11/23	11/08/2023	75220	Wear Parts & Equip CO	48928	29-00-5261.02	Sweeper Parts	1,370.18
75272							
11/23	11/15/2023	75272	O. J. Watson Equipment	Multiple	29-00-5261.02	Sweeper Parts	980.53
Total 2900526102:							2,350.71
3400501301							
75212							
11/23	11/08/2023	75212	Mainstreet Car Care & Qui	Multiple	34-00-5013.01	Vehicle Maintenance	1,037.96
Total 3400501301:							1,037.96
3400505801							
75215							
11/23	11/08/2023	75215	Professional Tree & Turf E	1717	34-00-5058.01	Equipment Maintenance	48.54
75301							
11/23	11/22/2023	75301	MAC Equipment INC	457585	34-00-5058.01	Equipment Maintenance	24.89
Total 3400505801:							73.43
3400507703							
75300							
11/23	11/22/2023	75300	Hofmeister Trucking	2023-T112	34-00-5077.03	Tree Replacement	7,175.00
Total 3400507703:							7,175.00
3400526600							
75297							
11/23	11/22/2023	75297	Wenk Associates, Inc.	501512	34-00-5266.00	Arboretum at Waggener Farm	2,160.00
Total 3400526600:							2,160.00
3600430600							
75249							
11/23	11/30/2023	75249	Larimer County Sales Tax	NOVEMBER	36-00-4306-00	County Open Space Revenue	59,489.88
Total 3600430600:							59,489.88
3600522000							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
75206							
11/23	11/08/2023	75206	ECI Site Construction Man	5	36-00-5220.00	Waggener Farm Park Const	384,175.50
Total 3600522000:							384,175.50
3600526500							
75277							
11/23	11/15/2023	75277	XCEL Energy	OCT2023	36-00-5265.00	Jaskowski Property Maint	20,162.87
Total 3600526500:							20,162.87
3600526600							
75082							
11/23	11/09/2023	75082	Handy Ditch Company	1355	36-00-5266.00	Richardson Prop. Maint	1,791.25
75208							
11/23	11/08/2023	75208	GMCO Corporation	23-8055	36-00-5266.00	Richardson Prop. Maint	2,470.00
Total 3600526600:							4,261.25
3600526800							
75218							
11/23	11/08/2023	75218	Safety & Construction Sup	Multiple	36-00-5268.00	Berthoud Reservoir park Maint	1,029.49
75302							
11/23	11/22/2023	75302	Paratex Weed Control Inc.	3858	36-00-5268.00	Berthoud Reservoir park Maint	345.00
Total 3600526800:							1,374.49
3700501402							
75210							
11/23	11/08/2023	75210	Kwik Korner	OCT23	37-00-5014.02	Gas & Oil	2,938.84
Total 3700501402:							2,938.84
3900511402							
113023300							
11/23	11/30/2023	113023	WEX BANK	NOVEMBER	39-00-5114.02	Gas & Oil	2,330.13
Total 3900511402:							2,330.13
5100461000							
75248							
11/23	11/30/2023	75248	Town of Johnstown	NOVEMBER	51-00-4610-00	Sales Tax Revenue	8,070.49
Total 5100461000:							8,070.49
5100503800							
75061							
11/23	11/07/2023	75061	Hagberg, Sandra	2721	51-00-5038.00	Sidewalk Improvements	950.00
75079							
11/23	11/09/2023	75079	Dawe, Jim and Erin	10312023	51-00-5038.00	Sidewalk Improvements	680.00
75190							
11/23	11/21/2023	75190	Franks, Todd	18415	51-00-5038.00	Sidewalk Improvements	950.25
75191							
11/23	11/21/2023	75191	Gage, Christopher	35	51-00-5038.00	Sidewalk Improvements	1,430.00
75192							
11/23	11/21/2023	75192	Grimditch, William & Carri	23-10.1	51-00-5038.00	Sidewalk Improvements	2,407.40

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
75295							
11/23	11/22/2023	75295	RCD Construction	5	51-00-5038.00	Sidewalk Improvements	24,849.30
Total 5100503800:							31,266.95
5100523900							
75201							
11/23	11/08/2023	75201	BRANNAN SAND AND GR	23103301	51-00-5239.00	Street Improvements	421,734.01
75217							
11/23	11/08/2023	75217	RCD Construction	4	51-00-5239.00	Street Improvements	152,862.97
75284							
11/23	11/16/2023	75284	Jones Excavating & Plumbi	5299	51-00-5239.00	Street Improvements	15,400.00
75289							
11/23	11/22/2023	75289	Baseline Engineering Corp.	Multiple	51-00-5239.00	Street Improvements	24,785.80
Total 5100523900:							614,782.78
5201502004							
75174							
11/23	11/09/2023	75174	Hilltop Broadband	4872-202311	52-01-5020.04	Purchased Services	390.58
75182							
11/23	11/09/2023	75182	Xerox Business Solutions	4725256	52-01-5020.04	Purchased Services	25.90
Total 5201502004:							416.48
5201505404							
75179							
11/23	11/09/2023	75179	Republic Services	Multiple	52-01-5054.04	Trash Service	728.25
Total 5201505404:							728.25
5201505601							
75211							
11/23	11/08/2023	75211	Lefthand Printworks	3197	52-01-5056.01	Brochures/Advertising/Printing	76.00
Total 5201505601:							76.00
5201524701							
75080							
11/23	11/09/2023	75080	DaySmart Recreation	1057212	52-01-5247.01	Computer Software	1,076.71
Total 5201524701:							1,076.71
5205500801							
75198							
11/23	11/08/2023	75198	American DataBank LLC	2310284	52-05-5008.01	Background/Physicals	22.00
Total 5205500801:							22.00
5205506001							
75274							
11/23	11/15/2023	75274	The Aqueous Solution, Inc	Multiple	52-05-5060.01	Chemicals	921.12
Total 5205506001:							921.12
5206502004							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
75181							
11/23	11/09/2023	75181	Wellbeats	82913	52-06-5020.04	Purchased Services	249.00
Total 5206502004:							249.00
5207502004							
75077							
11/23	11/09/2023	75077	Choose Well Nutrition, LLC	OCTOBER 2	52-07-5020.04	Purchased Services	38.50
75266							
11/23	11/15/2023	75266	101 Sports	1938	52-07-5020.04	Purchased Services	682.50
75305							
11/23	11/22/2023	75305	Tang Soo Do Concepts LL	1943	52-07-5020.04	Purchased Services	735.00
Total 5207502004:							1,456.00
5208502031							
75176							
11/23	11/09/2023	75176	Northern Colorado Sports	Multiple	52-08-5020.31	Officials-Adult Volleyball	1,360.00
Total 5208502031:							1,360.00
5209504612							
75186							
11/23	11/14/2023	75186	MI Sports and Casuals	Multiple	52-09-5046.12	Uniforms-Youth Basketball	1,127.90
Total 5209504612:							1,127.90
5209504832							
75271							
11/23	11/15/2023	75271	NVAA	106	52-09-5048.32	Team Fees-Youth Volleyball	52.00
Total 5209504832:							52.00
Grand Totals:							2,140,004.63

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	January 9, 2024
Agenda Title/Subject:	House of Neighborly Service Utility Assistance Update
Type of Item:	Presentation
Purpose:	Informational Presentation
Presented by:	Chris Kirk

BACKGROUND:

This item will be an informational presentation. There may be additional information distributed during the presentation.

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	January 9, 2024
Agenda Title/Subject:	American Legion Funding Update
Type of Item:	Presentation
Purpose:	Informational Presentation
Presented by:	Chris Kirk

BACKGROUND:

This item will be an informational presentation. There may be additional information distributed during the presentation.

**TOWN OF BERTHOUD
ORDINANCE NO. 1331**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO LEVYING
THE TAXES FOR THE YEAR 2024 TO DEFRAY THE COSTS OF THE MUNICIPAL
GOVERNMENT OF BERTHOUD, COLORADO, FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024.**

WHEREAS, the Board of Trustees of the Town of Berthoud, Colorado, has adopted a budget for the fiscal year beginning January 1, 2024 and ending December 31, 2024; and

WHEREAS, the Board of Trustees has determined that the proper Mill Levy upon each dollar of the assessed valuation of all taxable property within the Town is 9.072 Mills.

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

Section 1. That for the purposes of defraying the expenses of the General Fund of Berthoud, Colorado, during the fiscal year beginning January 1, 2024 and ending on December 31, 2024 there is hereby levied a tax of 6.072 Mills on each dollar of the total assessed valuation of all taxable property within the Town of Berthoud for the year 2024.

Section 2. That for the purposes of the Police Services expenses of the Town of Berthoud during the fiscal year beginning January 1, 2024 and ending on December 31, 2024 there is hereby levied a tax of 3.000 Mills upon each dollar of the total assessed valuation of taxable property within the Town of Berthoud for the year 2024.

Section 3. That the Town Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Larimer County and Weld County, Colorado, the total tax levy for the Town of Berthoud, Colorado, as is herein set forth.

Section 4. A public hearing was set by the Board of Trustees of the Town of Berthoud for its regular meeting held on January 9, 2024. After the public hearing, the ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 9th day of January 2024.

William Karspeck, Mayor

ATTEST:

Christian Samora, Town Clerk

CERTIFICATION OF TAX LEVIES for NON-SCHOOL GovernmentsTO: County Commissioners¹ of LARIMER COUNTY, Colorado.On behalf of the TOWN OF BERTHOUD,(taxing entity)^Athe BOARD OF TRUSTEES(governing body)^Bof the TOWN OF BERTHOUD(local government)^C

Hereby officially certifies the following mills
to be levied against the taxing entity's GROSS \$
assessed valuation of:

243,249,024

(GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation
(AV) different than the GROSS AV due to a Tax
Increment Financing (TIF) Area^F the tax levies must be
calculated using the NET AV. The taxing entity's total
property tax revenue will be derived from the mill levy
multiplied against the NET assessed valuation of:

(NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

Submitted: 01/10/2024 for budget/fiscal year 2024
(not later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)**LEVY²****REVENUE²**

1. General Operating Expenses ^H	6.636	mills	\$	1,614,201
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< .578 >	mills	\$ <	140,598 >
SUBTOTAL FOR GENERAL OPERATING:	6.058	mills	\$	1,473,603
3. General Obligation Bonds and Interest ^J		mills	\$	
4. Contractual Obligations ^K		mills	\$	
5. Capital Expenditures ^L		mills	\$	
6. Refunds/Abatements ^M	.014	mills	\$	3,405
7. Other ^N (specify): <u>POLICE</u>	3.000	mills	\$	729,747
		mills	\$	

TOTAL: [Sum of General Operating
Subtotal and Lines 3 to 7]

9.072

mills

\$ 2,206,755

Contact person:
(print)

Chris Kirk

Daytime

phone: (970) 532-2643

Signed:

Title:

Town Administrator

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the
Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form
for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of
Form DLG57 on the County Assessor's final certification of valuation).

CERTIFICATION OF TAX LEVIES for NON-SCHOOL GovernmentsTO: County Commissioners¹ of WELD COUNTY, Colorado.On behalf of the TOWN OF BERTHOUD,
(taxing entity)^Athe BOARD OF TRUSTEES
(governing body)^Bof the TOWN OF BERTHOUD
(local government)^C

Hereby officially certifies the following mills
to be levied against the taxing entity's GROSS \$
assessed valuation of:

49,420,200
(GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation
(AV) different than the GROSS AV due to a Tax
Increment Financing (TIF) Area^F the tax levies must be \$
calculated using the NET AV. The taxing entity's total
property tax revenue will be derived from the mill levy
multiplied against the NET assessed valuation of:

(NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

Submitted: 1/10/2024 for budget/fiscal year 2024.
(not later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)**LEVY²****REVENUE²**

1. General Operating Expenses ^H	6.636	mills	\$ 327,952
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< .578 >	mills	\$ < 28,565 >
SUBTOTAL FOR GENERAL OPERATING:	6.058	mills	\$ 299,387
3. General Obligation Bonds and Interest ^J		mills	\$
4. Contractual Obligations ^K		mills	\$
5. Capital Expenditures ^L		mills	\$
6. Refunds/Abatements ^M	.014	mills	\$ 692
7. Other ^N (specify): <u>POLICE</u>	3.000	mills	\$ 148,261
		mills	\$

TOTAL: [Sum of General Operating
Subtotal and Lines 3 to 7]**9.072****mills****\$ 448,340**Contact person:
(print)

Chris Kirk

Daytime
phone:

(970) 532-2643

Signed:

Title:

Town Administrator

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's final certification of valuation).

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	January 9, 2024
Agenda Title/Subject:	Gateway Signage Update
Type of Item:	Regular Item
Purpose:	Update previous sign concept/Board feedback
Presented by:	Administration

ATTACHMENTS: None. Concept to be presented during the meeting.

BACKGROUND:

The Town's entry signs have for many years provided a warm and inviting welcome for residents and visitors when they arrive in Berthoud. For the last few months, Staff has been working on design concepts to update and refresh those signs as they need replacement. Staff presented a few basic conceptual designs at the August 8th, 2023 Board meeting and received feedback. Board support was given at the previous meeting to continue refining the design as well as exploring a northern location to add a Welcome to Berthoud sign. An updated sign concept will be presented and location updates.

FISCAL IMPACT AND FUND SOURCE:

The 2024 Budget has appropriated the following funding for entry signage:

General Fund- 11.10.5123.00 \$60,000 Signage at Entryways

COMMUNITY TOUCHSTONES:

Berthoud's **Community Identity** is it is a great place to visit, live, and recreate. Providing an updated look for the entry signage into our Town gives visitors a fixed visual of a Town that cares about its community and welcomes all visitors. Updated and clearer welcome signage potentially draws visitors into the Berthoud Community and shows that it cares about its look and feel right from the start of the Town limits. It is a simple way to achieve a sense of pride and ownership to have readable and attractive entry signs for the Town of Berthoud.

RECOMMENDED ACTION(S):

Presentation and board discussion on this item. Staff will be asking for further Trustee feedback and additional direction to the updated concept that will eventually become the design for all the Town's entry signage.

BOARD OF TRUSTEES INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT

Meeting Date:	January 9, 2024
Agenda Title/Subject:	Report on progress toward proposed oil and gas regulations modification to Chapter 30 of the Municipal Code
Type of Item:	Regular Item
Purpose:	Present proposed regulations for final discussion prior to drafting an Ordinance for consideration at a Public Hearing
Presented by:	Chris Kirk, Town Administrator Michael Foote, outside oil and gas counsel

ATTACHMENTS:

- Draft Code language, all tranches

BACKGROUND:

The Town Board of Trustees contracted for services with Michael Foote to develop amended language for Chapter 30 of the Municipal Code. Mr. Foote has presented findings and direction for consideration in 2023 and is presenting the final draft this evening.

UPDATE/NEXT STEPS:

With direction from the Board of Trustees, Mr. Foote and staff will prepare the final Code language and format along with an Ordinance for consideration before the Town Board of Trustees. As this is a Development Code consideration, the Town Board of Trustees may elect to also ask Mr. Foote to present before the Planning Commission.

FISCAL IMPACT AND FUND SOURCE:

There is no negative impact to the Town in consideration of this Code Amendment proposal.

COMMUNITY TOUCHSTONES:

Consideration of this request does not negatively impact community touchstones.

RECOMMENDED ACTION(S):

Mr. Foote requests input from the Town Board of Trustees regarding the content of the final draft, direction of the guidelines, and if presentation before Planning Commission is desired.

Repeal and replace B.M.C. § 30-11-101 *et. seq.* as follows:

§ 30-11-101: Purpose, authorities, and application to existing facilities

-  **Chapter**
- a. **Intent.** The intent of this section of the Berthoud Municipal Code is to protect public health, safety, welfare, the environment, and wildlife resources within the Town of Berthoud by establishing a regulatory framework for new oil and gas facilities that are proposed in the Town. The Town hereby declares the adoption of the regulations in this Chapter to be necessary and reasonable for the protection of public health, safety, welfare, the environment, and wildlife resources.
 - b. **Criteria for approval or denial.** The Town will approve oil and gas operations only in locations and in a manner that does not adversely impact the health, safety and welfare of the Town's residents in their workplaces, their homes, their schools, and public places in order to protect the public's health, safety, and welfare, and to safeguard the environment and wildlife resources. The Town will deny applications where the proposed oil and gas operations cannot be conducted in a manner that protects and minimizes adverse impacts to public health, safety, and welfare, and the environment and wildlife.
 - c. **Authority.** These regulations are authorized by C.R.S. § 25-8-101 *et seq.*, 29-20-101 *et seq.*, § 30-28-101 *et seq.*, § 34-60- 101 *et seq.*, § 25-7-101 *et seq.*, § 30-15-401, Colorado common law related to public nuisances, and other authority as applicable.
 - d. **Severability.** If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of the regulations in this section shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare, and for the protection of the environment and wildlife resources.

§ 30-11-102: Definitions

Abandonment means the permanent decommissioning of an oil and gas facility, including any single well or portion of pipeline.

Applicant means an Operator submitting an application for a new oil and gas operation pursuant to Special Use Review.

APCD means the Air Pollution Control Division within the Colorado Department of Public Health and Environment.

AQCC means the Air Quality Control Commission within the Colorado Department of Public Health and Environment.

Best Management Practices (“BMPs”) means practices that are designed to prevent or reduce impacts caused by oil and gas facilities or operations to air, water, soil, or biological resources, and to avoid or minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

CDPHE means the Colorado Department of Public Health and Environment.

Child care center means a child care center as defined in § 26-6-903(5), C.R.S. A child care center will include any associated outdoor play areas adjacent to or directly accessible from the center and is fenced or has natural barriers, such as hedges or stationary walls, at least four (4) feet high demarcating its boundary.

Class II water disposal wells means wells that inject fluids which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.

Completions or completion phase means the period of hydraulic fracturing, coiling, workover, installation of tubing and flowback of one or more wells.

Crude oil transfer line means a piping system that is not regulated or subject to regulation by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to 49 C.F.R. § 195 Subpart A, and that transfers crude oil, crude oil emulsion or condensate from more than one well site or production facility to a production facility with permanent storage capacity greater than 25,000 barrels of crude oil or condensate or a PHMSA gathering system.

Cumulative impacts means the impact on public health, safety, welfare, the environment, and wildlife resources which results from the incremental impact of the proposed oil and gas facility when added to other past, present, and reasonably foreseeable future actions regardless of what person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Development Agreement has the same definition as B.M.C. § 30-1-116(103).

Drilling or drilling phase means the period in which a drilling rig is utilized to penetrate the surface of the earth with a drill bit and the installation of well casing and cement at one or more wells.

Dwelling Unit has the same definition as B.M.C. § 30-1-116(118).

ECMC means Colorado Energy and Carbon Management Commission (formerly the Colorado Oil and Gas Conservation Commission).

EPA means United States Environmental Protection Agency.

Flaring means the combustion of natural gas during upstream oil and gas operations, excluding gas that is intentionally used for onsite processes.

Flowback means the process of allowing fluids and entrained solids to flow from a well following stimulation, either in preparation for a subsequent phase of treatment or in preparation for cleanup and placing the well into production. The term Flowback also means the fluids and entrained solids that emerge from a well during the Flowback process.

Flowline means a segment of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line or a segment of pipe transferring produced water between a wellhead and the point of disposal, discharge, or loading. This definition of flowline does not include a gathering line or crude oil transfer line but does include on-location flowlines such as wellhead lines, production piping, peripheral piping, produced water flowlines and off-location flowlines as defined by the Colorado Energy and Carbon Management Commission, 2 C.C.R. 404-1, 100 Series Definitions and successor regulations.

Gathering line means a gathering pipeline or system as defined by the Colorado Utilities Commission, Regulation No. 4, 4 C.C.R. 723-4901, Part 4, (4 C.C.R. 723-4901) or a pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration pursuant to 49 C.F.R. §§ 195.2 or 192.8. 49 C.F.R. §§ 195.2 or 192.8 and 4 C.C.R. 723-4901 and successor regulations.

Groundwater means subsurface waters in a zone of saturation.

Historical or Cultural Resources has the same definition as B.M.C. § 30-1-116(186).

Oil and gas location means a definable area where an Operator has disturbed or intends to disturb the land surface to locate an oil and gas facility, including but not limited to well sites, production facilities, production sites, treatment facilities, access roads, well pads, tank batteries, pits, flowlines, and gathering lines.

Oil and gas facility means equipment, buildings, structures, or improvements associated with or required for the operation of oil and gas operations.

Oil and gas operations means exploration for oil and gas, including seismic operations and the drilling of test bores; the siting, drilling, redrilling, deepening, completion, recompletion, reworking, fracturing, refracturing, temporary abandonment, shutting-in, or abandonment of an oil and gas well or gas storage well; production operations related to any such well including the installation of flowlines and gathering lines; the generation, transportation, storage and treatment of oil and gas, and exploration and production wastes; any construction, site preparation, maintenance, repair, or reclamation activities associated with such operations; and any oil and gas facility, oil and gas well site or location, production site or other facility, site or

location upon or within which any of the foregoing are conducted, operated, installed, constructed, generated, treated or located.

Open Space has the same definition as B.M.C. § 30-1-116(290) – (292).

Operator: Any individual, company, trust, foundation, or entity who exercises the right to control the conduct of oil and gas operations.

Park has the same definition as B.M.C. § 30-1-116(301).

Permit means Town of Berthoud Oil and Gas Permit issued pursuant to the provisions of this section 11.

Pipelines: ~~off location flowlines or crude oil transfer lines as defined by the ECMC.~~ [all types of pipelines ?]

Production or production phase: ?



Root case analysis means an analysis of the prime reasons, such as failures of management systems, faulty design, inadequate training, negligence, or improper changes, which led to an unsafe act or condition, and resulted in an incident. If root causes were removed, the particular incident would not have occurred.

Plugging means oil and gas well plugging activities consistent with ECMC Rule 434 or any successor rules.

Reclamation means the process of returning or restoring the surface of disturbed land to its condition prior to the commencement of Oil and Gas Operations.

Safety Data Sheets means documentation required by the United States Occupational Safety and Health Administration that includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical.

School means any operating Public School as defined in § 22-7-703(4), C.R.S., including any Charter School as defined in § 22-30.5-103(2), C.R.S., or § 22-30.5-502(6), C.R.S., or Private School as defined in § 22-30.5-103(6.5), C.R.S.

School facility means any discrete facility or area, whether indoor or outdoor, associated with a school, that students use commonly as part of their curriculum or extracurricular activities. A school facility is either adjacent to or owned by the school or school governing body, and the school or school governing body has the legal right to use the school facility at its discretion.

Surface owner means any person owning all or part of the surface of land upon which oil and gas operations are conducted, as shown by the tax records of the county in which the tract of land is situated, or any person with such rights under a recorded contract to purchase.

Town means the Town of Berthoud, Colorado.

Town Administrator means the Town Administrator or designee of the Town of Berthoud, Colorado.

Venting means allowing natural gas to escape into the atmosphere.

Water source means water bodies that supply domestic, agricultural or municipal uses, water wells that are registered with Colorado Division of Water Resources, including household, domestic, livestock, irrigation, municipal/public and commercial wells, permitted or adjudicated springs, and monitoring wells other than monitoring wells that are drilled for the purpose of monitoring water quality changes that are not associated with oil and gas operations.



Well / Wellhead means an oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

Wetland has the same definition as B.M.C. § 30-1-116(433).

Wildlife resources means fish, wildlife, and their aquatic and terrestrial habitats used for all life stages, including reproduction, rearing of young and foraging, and the migration corridors and seasonal ranges necessary to sustain robust wildlife populations.

§ 30-11-103: Location restrictions for new facilities

A. Oil and gas operations will be located to avoid or sufficiently minimize and mitigate adverse impacts to surrounding land uses and protect public health, safety, and welfare, the environment, and wildlife resources. The Town may deny a Use by Special Review permit if it determines the proposed location is not consistent with the protection of public health, safety, welfare, the environment, and wildlife resources even if the Applicant meets other requirements as set forth in sections 30-11-105 through 30-11-107.

B. Oil and gas operations are allowed only in the following zoning districts as set forth in Section 30-3-101 *et al.*: Agricultural District (AG), Light Industrial (M1), and Industrial (M2).

- C. Within zoning districts where oil and gas facilities are allowed, oil and gas facilities must be located 2,000 (two thousand) feet from the property line of a parcel containing any of the following uses: an existing or platted Dwelling Unit; a School, School Facility, or licensed Child Care Center; athletic fields, auditoriums, amphitheaters, hospitals, event centers, recreational facilities, nursing homes and life care institutions; parks, trails, and open spaces as defined by Section 30-2-109; trails and trailheads open to the public; and workplaces located in the Agricultural, Light Industrial, and Industrial zoning districts.
- D. Within zoning districts where oil and gas facilities are allowed, oil and gas facilities must be located 2,000 (two thousand) feet from public water supply wells and the center line of water sources including rivers, streams, and reservoirs.
- E. Within zoning districts where oil and gas facilities are allowed, off-location flowlines and gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; water sources; and Town open space and parks.
 - 1. Off-location flowlines and gathering lines shall be located a minimum of 150 (one hundred and fifty) feet from residential, commercial, and industrial buildings and the high-water mark of any water source. This distance shall be measured from the nearest edge of the off-location flowline or gathering line.
 - 2. Locating oil and gas facilities within a Federal Emergency Management Agency (FEMA) designated flood zone shall not be allowed.
 - 3. For the purposes of this section, the setback measurement shall occur from the boundary of the oil and gas facility.
 - 4. Class II Water Disposal Wells shall only be allowed in Industrial (M2) zones and are subject to the permit application processes and provisions as outlined in this chapter.

§ 30-11-104: Location restrictions for existing facilities

- A. For permitted or existing oil and gas facilities where all permitted wells have not entered completions, no new residential, commercial, or mixed-use building units shall be constructed within 2,000 (two thousand) feet of such oil and gas facility.
- B. No new residential, commercial, or mixed-use building units shall be allowed to be constructed within 2,000 (two thousand) feet of permitted or existing oil and gas facility for one year after the final well permitted for the location has been put into production.
- C. For permitted oil and gas facilities where all permitted wells have been in production for more than one year, or the permit has otherwise lapsed, been revoked, or forfeited, and is

not subject to renewal or reissuance, no new residential, commercial, or mixed-use building units may be constructed within 500 (five hundred) feet of such oil and gas location.

1. The setbacks in subsection (C) shall not apply to the following occurring prior to the effective date of this section:
 - a. Constructed residential units;
 - b. Platted residential lots;
 - c. Residential lots / units planned within a site development plan such as a Neighborhood Master Plan; and
 - d. Residential lots / units within a planned unit development plan.
2. For oil and gas facilities that have been plugged, abandoned, and reclaimed, no residential, commercial, or mixed-use building unit may be placed within 250 (two hundred and fifty) feet of the oil and gas facility.
3. The setback from any flowline or gathering line shall be a minimum of 150 (one hundred and fifty) feet from the edge of the pipeline easement closest to the flowline or gathering line. Flowlines or gathering lines removed prior to the construction of a residential, commercial, or mixed-use building unit as part of the oil and gas location's plugging, abandonment, and reclamation shall be excepted from this requirement.
4. For the purposes of this section, the setback measurement shall occur from the boundary of the oil and gas facility.

§ 30-11-105: New oil and gas operation applications and Use by Special Review permit

- A. An Application for a Use by Special Review permit shall be submitted pursuant to the processes and requirements of section 30-3-106. In addition to the standard application materials required for a Use by Special Review application, the additional materials outlined in this section are required to be submitted for any Application for a new Oil and Gas Operation.
- B. *ECMC Oil and Gas Development Plan.* Applicant shall submit a copy of any and all materials submitted to the ECMC in support of its Oil and Gas Development Plan (OGDP), if the OGDP has been or was concurrently submitted to the ECMC at the time of the Applicant's application to the Town. ECMC OGDP materials shall be labeled distinctly and separately from those materials submitted pursuant to the Town's Use by Special Review Permit application.

C. It shall be unlawful for any Operator to conduct oil and gas operations that has not been previously permitted under this section unless a Use by Special Review permit has first been granted by the Town in accordance with the procedures defined in this Chapter.

D. The Applicant will follow the procedural steps for the Town's consideration of the Application outlined in the Use by Special Review process in Section 30-3-106.

E. The following reports shall accompany any Application for a Use by Special Review Permit for a new Oil and Gas Operation. The reports and plans shall indicate how the Applicant / Operator plans to comply with the Town's regulations and protect health, safety, welfare, the environment, and wildlife resources. The reports will include measures outlined in the Town's regulations. An approved Application may require additional industry recognized Best Management Practices, or compliance with state or federal rules, whichever is most protective of public health, safety, welfare, the environment and wildlife resources.

1. Air Quality. Operator shall comply with the Air Quality Protection Plan and Well Liquids Unloading Plan as outlined in this Section and all applicable state and federal laws. In addition:

a. A third-party consultant approved by the Town shall conduct baseline and continuous air sampling and monitoring at the Operator's cost.

b. Reduced Emission (Green) Completions, as defined in ECMC Rule 903.c.(1), or a successor rule, shall be used for all completions and well workovers.

c. *Venting and flaring.* Venting and flaring shall be eliminated other than during emergencies or upset conditions. Operator shall report all venting and flaring to the Town and the reason(s) for its necessity within 24 hours. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:

(1) Any flaring or combustion shall utilize a flare that has a manufacturer specification of 98% destruction removal efficiency or better;

(2) The flare and/or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen-minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor;

- (3) The flare and or combustor shall be operated with a flame present at all times when emissions are vented to it;
- (4) All combustion devices shall be equipped with an operating auto-igniter;
- (5) If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained in the flare's pilot light burner at all times when emissions are routed to the flare. A surveillance system shall be in place to monitor the pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out;
- (6) If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system; and
- (7) Any flare, auto ignition system, recorder, vapor recovery device or other equipment used to meet the hydrocarbon destruction or control efficiency requirement shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals.

d. *Electrification.* All facilities shall be equipped with electric-powered engines for motors, compressors, drilling and production equipment, and pumping systems unless no adequate electricity source is available, or it is technically infeasible.

e. *Air Quality Action Advisory Days.* Facilities may be subject to timing restrictions to reduce emissions on Air Quality Action Advisory Days as designated by the CDPHE in the Denver Metro / North Front Range Ozone Non-Attainment Area. Operators shall include provisions in Air Quality Plans to avoid operations during Air Quality Action Advisory Days, or, if technically infeasible, incorporate the following measures to minimize pollution on those days:

- (1) Minimizing vehicle traffic and engine idling;
- (2) Reducing truck and worker traffic;
- (3) Delaying vehicle refueling;
- (4) Suspending or delaying use of fossil fuel powered equipment;

(5) Postponing construction and maintenance activities unless repairing identified leaks or releases;

(6) Postponing well maintenance and liquid unloading that would result in emission releases to the atmosphere; and

(7) Postponing or reducing operations with high potential to emit VOCs and/or NOx.

f. *Air Quality Protection Plan.* An Air Quality Protection Plan shall be submitted with all applications to demonstrate how the development and operation of the facility will avoid, or minimize and mitigate adverse impacts to air quality if those adverse effects cannot be avoided, and will demonstrate compliance with and implementation of standards this section.

(1) The Air Quality Protection Plan shall include modeling to be conducted by a third-party consultant approved by the Town that provides for facility emissions inventories and air quality impact studies for drilling, completions and operations based upon proposed equipment use and operational phases, and any emissions reductions associated with plugging and abandonment.

(2) The Air Quality Protection Plan shall include a section on air quality monitoring that describes how the Applicant will conduct baseline monitoring prior to construction of the facility and continuous air sampling and monitoring during all phases of the operation.

a. Baseline monitoring shall be conducted within 500 feet of a proposed oil and gas facility and near any area or building likely to be occupied by one or more individuals during the course of the oil and gas operation within 1 kilometer (3,280 feet) as required by the Town over a 30-day period. Baseline monitoring shall track levels and changes in monitored air pollutant concentrations during that time period.

b. The Plan shall describe how the Applicant will conduct high frequency monitoring and collect periodic canister samples (or equivalent method capable of speciating air samples) during the drilling, completion, and production phases of development.

c. In the event a speciated sample is triggered, the Plan shall describe Town and Colorado Department of Public Health and Environment (CDPHE) notification processes. The third-party monitor consultant must report any exceedance of the National Ambient Air Quality Standards to the CDPHE and the Town. Depending on the circumstances, expedited lab analyses may be required by the Town.

d. The Plan shall include provisions for continuous monitoring up to 1 kilometer (3,280 feet) from the Facility for all potential emissions, including but not limited to, Volatile Organic Compounds (VOCs), Hazardous Air Pollutants (HAPs), Benzene, Toluene, Ethylbenzene, and Xylene (BTEX), Hydrogen Sulfide, Oxides of Nitrogen (NO_x), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), Carbon Monoxide (CO) and methane (CH₄), carbon dioxide (CO₂).

e. The Plan shall include provisions for high frequency monitoring for hydrocarbons at frequencies of no less than once per hour during drilling and completion activities. Each hydrocarbon monitor shall include a sampling device to automatically collect a speciated air sample when the monitor levels reach a threshold concentration level defined by the third-party consultant or in response to a request by the Town. Meteorological monitoring is also required during the time period that air quality monitoring is conducted. High frequency monitoring of production operations will continue until three years have passed from the date the last well goes into production, unless the Town Administrator directs otherwise in response to the detection of repeated emissions at threshold concentrations or repeated odor violations.

f. The Plan shall meet the minimum requirements of AQCC Regulation 7, part B, section VI.C., and any successor sections, and receive approval from the Air Pollution Control Division (APCD) prior to beginning air quality monitoring at the permitted site of the Facility. When submitting the air quality monitoring plan to APCD, the Operator shall submit at least 90 days in advance of the pre-drilling monitoring to account for the Town's 30-days of pre-drilling air quality monitoring requirement.

g. In addition to all federal and state laws, rules and regulations, applications for new oil and gas operations shall demonstrate how exploration, construction, and standard operations of the facilities will comply with the rules and regulations of the AQCC. Information to be provided shall include all appropriate applications of notifications and permits for sources of emissions.

h. The Plan must consider the cumulative impacts to existing air quality including ambient air quality standards for ground-level ozone, meeting oil and gas sector greenhouse gas reduction targets, and the cumulative impacts of all approved and existing oil and gas operations within a ten-mile radius of the proposed new facility.

i. The following Best Management Practices shall be required and included in the Plan unless an equal or better system exists:

I. Zero emission desiccant dehydrators;

II. Emission controls of 98% or better for glycol dehydrators;

III. Pressure-suitable separator and vapor recovery units;

IV. Zero emission pneumatic devices;

V. Automated tank gauging;

VI. Require dry seals on centrifugal compressors;

VII. Routing of emissions from rod-packing and other components on reciprocating compressors to vapor collection systems;

VII. Control emissions by 98% during storage tank hydrocarbon liquids loadout (i.e. loading out liquids from storage tanks to trucks); and

IX. Reduction or elimination of emissions from flowline maintenance activities such as pigging, including routing emissions to a vapor collection system, with at least 98% control of emissions from pigging operations.

X. The Town retains the ability to require more protective Best Management Practices as a condition of the Town's Development Agreement if technologically feasible.

g. *Well Liquids Unloading Plan.* The Applicant shall submit a plan for well liquids unloading, if applicable. The Plan shall include Best Management Practices, including artificial lift, automated plunger lifts and at least 98% emission reductions when utilizing combustion to control venting shall be employed unless technically infeasible. The Plan shall also include a provision to avoid well liquids unloading during CDPHE ozone alert days unless required for safety reasons.

2. Chemical and Hazardous Materials Use, Disclosure, and Handling.

a. Applicant shall submit a Chemical and Hazardous Materials Plan to demonstrate how the Applicant will comply with reporting and handling requirements outlined in this section and applicable state and federal laws. The plan shall disclose all the hazardous and non-hazardous materials and chemicals that will be used on the site of the proposed facility, including chemicals to be used in fracking fluid, and how of the chemicals used on the facility will be handled to prevent spills

b. Operator shall disclose its expected use of all chemicals during all phases of the oil and gas operation.

c. The Town may limit or prohibit toxic chemicals in hydraulic fracturing fluids. To prevent harm to human health and prevent odors, Operators shall be prohibited from using any toxic, including orally toxic, chemical additives in hydraulic fracturing fluids including but not limited to, the following:

(1) All chemicals listed in ECMC Table 437-1 or any successor regulation;

(2) Polysorbate 80; and

(3) Perfluoroalkyl and polyfluoroalkyl substances or "PFAS chemicals," defined as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

d. Drilling and completion chemicals shall be removed from the site within sixty (60) days of the drilling completion.

3. Emergency Response. Applicant shall submit and comply with an Emergency Response Plan. In its preparation of the Emergency Response Plan, the Applicant shall engage with emergency responders and prepare a plan that includes, but not necessarily be limited to documentation of the communications and coordination with the Town and plans for the evacuation of buildings and any person within a 1-kilometer (3,280 feet) radius from the oil and gas operation. The Emergency Response Plan must detail all criteria for persons to be notified in the event of an emergency and training and necessary equipment for first responders. The Emergency Response Plan shall also include:

- a. Name, address and phone number, including 24-hour numbers for at least two persons responsible for field operations, at least one of which can be on the site of any emergency within 15 minutes, as well as the contact information for any subcontractor of the Applicant engaged for well-control emergencies, which shall be updated with the Town if the names of responsible personnel change;
- b. A process by which the Applicant will notify neighboring residents and businesses within 1 kilometer (3,280 feet) to inform them about the on-site operations and emergencies and to provide sufficient contact information for surrounding neighbors to communicate with the Applicant;
- c. An emergency evacuation plan for the oil and gas facility and a plan to evacuate any person up to 1 kilometer (3,280 feet) of the oil and gas facility;
- d. Emergency shutdown protocols and procedures to promptly notify the Town of any shutdowns that would have an impact to any area beyond the confines of the oil and gas facility;
- e. A process by which the Applicant will notify the Town and any other applicable governing bodies as soon as practicable but no later than 24 hours after the incident;
- f. Detailed information addressing each category of emergency that has a reasonable potential to occur at the operation and to be severe enough to present an immediate danger to public health, safety or welfare, including but not necessarily limited to: explosions; fires; gas; oil or water pipeline leaks or ruptures; well integrity issues, hydrogen sulfide or other toxic gas emissions; hazardous material vehicle accidents or spills; vandalism, and natural disasters. Examples of the most likely and worst-case scenarios should be provided, including information on the potential response scenarios;

g. A provision that any spill outside of the containment area, that has the potential to leave the facility or to threaten waters of the state, or as required by the Town-approved plan shall be reported to the local dispatch and the ECMC Director in accordance with ECMC regulations;

h. Detailed information identifying emergency access, transportation routes to and from oil and gas facilities for emergency response, and health care facilities anticipated to be used if necessary;

i. A project-specific plan for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas;

j. A provision obligating the Applicant to reimburse the appropriate agencies for their expenses incurred in connection to any emergency response in connection to an oil and gas facility;

k. A statement and detailed information indicating that the Applicant has adequate personnel, supplies, and training to implement the plan immediately at all times during construction and operations;

l. A process by which the community can submit concerns and complaints and be assured of timely responses;

m. Details regarding coordination methods and training between the Applicant and the first responders within or outside of the Town;

n. Provisions for cooperation with first-responder agencies in training, drills, exercises, and development of after-action reports; and

o. *Emergency Response Updates*. Applicant shall include provisions in its Emergency Response Plan for periodic review and updates. The provisions shall include, at a minimum:

(1) An annual review of the plan and filing of any updates with the Town Administrator and the applicable fire district. If no updates to the Plan are made then Operator shall provide notice of "No Change" in the filing required under this subsection;

(2) Within 60 days of the start of production, Operator will provide an as-built facilities map in a format suitable for input into the Town's GIS system depicting the locations and type of above and below ground facilities, including sizes and depths below grade of all oil and gas flow lines and associated equipment, isolation valves, surface operations and their functions. The information concerning flowlines and isolation valves shall be marked and treated as confidential and shall only be disclosed in the event of

an emergency or to emergency responders or for the training of emergency responders; and

- (3) The Operator shall have current Safety Data Sheets (SDS) for all chemicals used or stored on an oil and gas location. The SDS sheets shall be provided immediately upon request to Town officials, a public safety officer, or a health professional as required by ECMC Rules.

4. **Flood Mitigation.** The site shall remain in compliance with the approved permit for disturbance in the flood hazard overlay zone in conformance with Section 12, Chapter 30 of the Berthoud Municipal Code.

5. **Flow lines, Transfer Lines, Gathering Lines, and other pipelines.**

Operator must comply with the Pipeline Plan as outlined in this section and all applicable state and federal laws. Off-location flow lines and crude oil transfer lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; water source; and designated open spaces. All lines shall require crossing agreements, as needed. All lines shall be documented with the Use by Special Review Permit application. Any newly constructed or substantially modified oil and gas pipelines (excluding temporary water lines) shall meet the following requirements:

- a. The use of pipelines to transport liquid production wastes and product is required unless technically infeasible;
- b. All off-site pipelines transporting process materials, production wastes, product, and any other items used or generated by the facility shall be located to avoid existing or proposed residential, commercial, and industrial buildings, places of assembly, water source and designated open spaces. Buried pipelines shall be a minimum of four (4)-feet deep and shall be of detectable material which could include the addition of tracer wire to ensure detection during buried utility locating.
- c. All oil and gas pipelines shall be sited at a minimum of 50 (fifty) feet away from residential and other occupied buildings, as well as the highwater mark of any water source. This distance shall be measured from the nearest edge of the pipeline. Increased setbacks shall be evaluated and required on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.
- d. Pipelines that pass within 150 (one hundred fifty) feet of residential or other occupied building or the high-water mark of any water source shall incorporate leak detection or other mitigation, as appropriate.

e. Pipelines shall be aligned with established roads to minimize surface impacts and reduce habitat fragmentation and disturbance unless technically infeasible.

f. Operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts unless technically infeasible.

g. Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique.

h. As-built reporting, including the location (with GPS coordinates), materials and operating pressures of all flowlines, pipelines, gathering lines, and fresh water pipelines and depicting the locations of other subsurface features or improvements crossed by such lines shall be provided to the Town in a format suitable for input into the Town's GIS system.

i. Temporary water lines, or other means rather than truck, will be used to transport water to the site for hydraulic fracturing and other purposes unless technically infeasible. Temporary water lines shall be buried at all existing driveway and road crossings, or utilize existing culverts, if available.

j. *Pipeline plan*. Applicant shall submit a Pipeline Plan with its Application detailing how it will comply with the pipeline safety provisions in this Section. The Pipeline Plan must include:

(1) A map at a scale of one inch equals 200 (two hundred) feet or such scale as required by the Town that shows the specific location and route of each flowline, and fresh, produced, or waste water pipeline and any other transport pipeline necessary for the oil and gas facilities and operations, through the lifetime of the oil and gas facilities and operations, and their distances from: existing or proposed residential, commercial, or industrial buildings; places of public assembly; water sources; geologic hazards, agricultural lands; and public or private roads;

(2) The size, operating pressure, material, and locations of each line and what materials they will carry;

- (3) Whether pipelines will be co-located with proposed or existing lines;
- (4) Identification of all pipeline segments that will be constructed by boring and the location of the boring operation;
- (5) Description of how the Applicant intends to adhere to the integrity management procedures listed in ECMC Rule 1104.c-f, or any successor rules;
- (6) A copy of the leak protection and monitoring plan required by ECMC Rule 1104.g, or any successor rules; and
- (7) Description of the measures planned to minimize land disturbance and impacts to vegetation.

6. Fugitive Dust. The Operator must comply with its Fugitive Dust Control Plan as outlined in this section and all applicable state and federal laws. All fugitive dust shall be contained to the maximum extent practicable and Operators must prevent dust from leaving their property. In addition:

- a. No produced water or other process fluids shall be used for dust suppression. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be submitted to the Town prior to use.
- b. The Operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.
- c. Sand, silica and similar materials must be properly stored to prevent fugitive particulates. Measures shall be used to control particulates, including proof of compliance with State-required dust control measures and imposition of an opacity requirement as tested using EPA Method 9.
- d. Operations shall be conducted in such a manner that dust does not constitute a nuisance pursuant to Chapter 17, Section 21 of the Berthoud Municipal Code or hazard to public health, safety, welfare the environment, or wildlife resources.
 - (1) If there is a complaint of dust by a nearby resident, business, or agricultural operation that is made directly to the Operator, to the ECMC, or the Town, the Operator shall determine whether the dust is caused by Operator's operations. Operator will provide a complete description to the Town of all activities occurring at the oil and facility at the time of the complaint. Operator shall report its conclusions, including the factual basis for the conclusions, to

the Town and the complainant within 48 hours of the complaint. If the Operator or Town determines that the dust is caused by the Operator's actions, Operator shall resolve the dust concern to the maximum extent practicable within 24 hours.

e. Fugitive Dust Control Plan. A Fugitive Dust Control Plan submitted with the Application shall disclose techniques and methods to be utilized at the proposed location to prevent or mitigate fugitive dust generated by the construction and operations of the proposed facility and the traffic associated therewith. The plan shall demonstrate compliance with and implementation of standards in this Section.

- 7. Historical and Cultural Resources.** Operator shall assess historical and cultural resources in and around the proposed oil and gas facility and share such information and proposed mitigation measures with the Town for advance approval prior to start of site construction. If a significant surface or sub-surface archeological site is discovered during construction, the operator shall be responsible for immediately contacting the Town to report the discovery. If any disturbance of a site deemed by the State Historic Preservation Office to be a historical or cultural resource occurs, the operator shall be responsible for mitigating the disturbance to the cultural or historical property through a data recovery plan in consultation with the Town's Historic Preservation Commission and the State Historic Preservation Office.

8. Incident and Accident Reporting. In addition to following the emergency response provisions outlined in Section 30-11-105(E)(3), the Operator shall take all reasonable and necessary steps to avoid adverse incidents or accidents. In addition:

a. Emergency reporting. If public health, safety, welfare, the environment, or wildlife resources are threatened, the Operator responsible for the operation causing such threat will immediately notify the appropriate emergency responders, the Town, the ECMC, and the surface owner orally.

b. Safety Event reporting. Within 24 hours of the cessation of any reportable safety event, as defined by the ECMC in Rule 602(g), or any successor rules, or any accident or natural event involving a fire, explosion or detonation requiring emergency services or completion of a ECMC Form 22, Operator shall submit a report to the Town Administrator that includes at least the following information, to the extent available: fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the oil and gas location,

injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.

c. The Town may require Operator to conduct a root cause analysis of any reportable safety events or Grade 1 gas leaks, each as defined by the ECMC. The root cause analysis shall be prepared and submitted to the Town no later than 30 days of the request.

d. Any spill or release of unrefined and refined petroleum products, hazardous substances, fracking fluids, E&P waste, or produced fluids of greater than 25 gallons outside of secondary containment areas on a facility, including those thresholds reportable to the ECMC and CDPHE, shall upon discovery, be immediately reported to the National Response Center, ECMC, and CDPHE as well as the Larimer County Sheriff, Larimer County Department of Health and Environment, and the Berthoud Fire Protection District.

9. Leak Detection and Repair. Operator shall conduct leak detection and repair inspections at every facility monthly or at greater frequencies if required by the APCD for any emission source using best available leak detection technologies and equipment, such as infrared cameras and hydrocarbon analyzers.

a. If an infrared camera is used, Operator shall retain an infrared image or video of all leaking components before and after repair. Records and results of those inspections, including all corrective actions taken, shall be maintained for three years and shall be made available to the Town upon request. Operator shall also retain a copy of all reports submitted to the APCD, including monthly downtime reports and semi-annual control equipment status reports for production facilities, and make those reports available to the Town upon request.

b. Operator shall immediately report to the Town any leaks discovered by the Operator, including any leaks that are reported to the Operator by a member of the public.

c. Repair of leaks shall occur within 48 hours of detection. If a leak is not repaired within 48 hours, the Operator must use other means to stop the leak including, but not limited to, isolating the component or shutting in the well, unless such other means will cause greater emissions. If it is anticipated that a repair will take longer than 48 hours, the Operator shall provide a written explanation to the Town as to why more time is required and how the leak will be contained.

d. If the Town determines that the leak presents an imminent threat to public health, safety, welfare, the environment or wildlife resources, the

Operator shall notify residents within 1 kilometer (3,280 feet) of the leak and may not operate the affected component, equipment or flowline segment until the Operator has corrected the problem and the Town agrees that the affected component, equipment or flowline segment no longer poses a hazard to public health, safety, welfare, the environment or wildlife resources.

e. Leak Detection and Repair Plan. A Leak Detection and Repair Plan shall disclose techniques, methods and protocols that will be utilized at the proposed oil and gas facility to identify, prevent, contain, document, repair, and report leaks, and shall demonstrate how it will comply with and implement the standards in this Section.

10. Lighting and Visual Impacts. The Operator's lighting and visual impacts mitigation measures must comply with the Town's Outdoor Lighting and Dark Sky Standards found in Chapter 30 of the Berthoud Municipal Code, the Visual Impacts Plan as outlined in this section, and all applicable state and federal laws. In addition:

a. Oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts associated with lighting on public health, safety, and welfare, the environment and wildlife resources. Lighting associated with oil and gas operations will be designed to protect surrounding properties, roadways, livestock, and wildlife resources from light pollution and glare. All permanent lighting or lighting higher than a perimeter wall must be downward facing.

b. Lighting at a facility must include:

(1) the use of timers or motion sensing lighting;

(2) the use of full cut-off lighting; and

(3) the use of reduced light intensity colors and low-glare or no-glare lighting.

c. The location of all outdoor lighting shall be designed to minimize off-site light spillage and glare using best practices recognized by the International Dark-Sky Association.

d. For all phases of the development of the site, the application shall demonstrate compliance with the visual and aesthetic rules of ECMC and the Berthoud Municipal Code for landscaping, fencing, and lighting.

e. All facilities shall be painted with colors that are matched to or slightly darker than the surrounding landscape, and shall utilize paint with uniform, non-contrasting, nonreflective color tones based upon the Munsell Soil Color Coding System.

f. For all phases of site development, fencing shall be installed for security and visual aesthetics of the use.

g. Oil and gas operations shall minimize removal of trees and vegetation on the site.

h. Landscaping and/or fencing for screening and visual quality as viewed from public rights-of-way and neighboring residential areas shall be required within 6 months from the time of well completion and in accordance with requirements for the zoning district.

i. Facility applications shall demonstrate compliance with weed control requirements of Chapter 16 of the Berthoud Municipal Code and Forestry Services Department, including for access roads serving the facility.

j. *Lighting and Visual Impacts Plan.* The Applicant shall complete a plan in its Application that includes the location of all outdoor lighting on the site and structures, including cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The plan should also include the location and type of any emergency lighting and description of situations in which it will be used. A photometric study conducted by an independent consultant approved by the Town to measure the lumens emitted by the oil and gas facilities or operations and evaluate lighting impact on surrounding properties must also be included as part of the plan.

11. Noise and Vibrations.

A. Operator shall comply with the Noise and Vibration Mitigation Plan as outlined in this Section and all applicable state and federal laws. Noise and vibration mitigation measures shall include the following:

(1) Oil and gas operations may not exceed the ambient noise level by more than five decibels during daytime hours (7:00 a.m. through 7:00 p.m.) and more than three decibels during nighttime hours (7:00 p.m. through 7:00 a.m.);

(2) Oil and gas operations may not exceed the ambient noise level by more than ten decibels over the daytime average ambient noise level during fracturing operations during daytime hours. No fracturing shall be allowed during nighttime hours except for

flowback operations related to fracturing as provided in subsection (3).

(3) Oil and gas operations may not exceed the ambient noise level by more than three decibels during flowback operations during nighttime hours;

(4) Adjustments to the noise standards as set forth above in subsections (1), (2), and (3) of this section may be permitted intermittently in accordance with the following:

Table 1

Permitted Increase (dBA)	Duration of Increase (minutes)*
10	5
15	1
20	Less than 1
* Cumulative minutes during any one hour	

(5) The point of compliance for noise shall be the property line of the protected use or no less than 25 feet from the exterior wall of any protected use structure closest to the oil and gas facility.

(6) In no instance may an oil and gas operation produce dBA or dBC noise exceeding limits set by the ECMC Rule 423 or any successor rule.

(7) During construction, drilling, and completion activities, the Operator must conduct continuous noise monitoring by a third-party consultant approved by the Town for all oil and gas facilities located within 1 kilometer (3,280 feet) of any residential or occupied building.

(8) To reasonably ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required based on the location, nature, and size of the facility and technical feasibility:

- a. Quiet design mufflers (i.e., hospital grade or dual dissipative) or equal to or better than noise mitigation

technologies shall be utilized for non-electrically operated equipment;

b. Motors, Generators, and engines shall be enclosed in acoustically insulated housings or covers;

c. Obtain all power from utility line power or renewable sources;

d. Utilize best management practices to minimize noise impact during drilling, completions, and all phases of operation including the use of "quiet fleet" noise mitigation measures for completions;

e. Acoustical blankets, sound walls, mufflers or other alternative methods around well drilling and completion activities to mitigate noise impacts;

f. Restrictions on workover operations and/or the unloading of pipe or other tubular goods between 7:00 p.m. and 7:00 a.m.;

g. The use of electric drill rigs; and

h. The use of Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.

(9) If the Operator is in compliance with the approved noise mitigation and monitoring plan and a violation still occurs, the operator shall be notified of noncompliance and given 24 hours to correct the violation. Additional extensions of the 24-hour period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the Operator.

(10) In response to a noise complaint, the Town may at any time require continuous noise monitoring, conducted by an approved third-party consultant, until noise concerns are abated.

(11) *Vibrations.*

a. No vibration shall be transmitted through the ground that is discernible without the aid of instruments measured at 500 feet from the abutting residential or commercial development.

b. No vibration shall exceed 0.002g peak at up to 50 cps frequency measured at 500 feet from the abutting residential or commercial development. Vibrations recurring at higher than 50 cps frequency or a periodic vibrator shall not induce accelerations exceeding 0.001g.

c. Single impulse period vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding .01g.

d. Operator shall conduct continuous seismic monitoring during fracking operations.

e. Seismic events greater than 2.0 on Richter scale shall be reported to the Town Administrator and to ECMC.

f. If a seismic event occurs, the Town may order the cessation of operations immediately and operator can only resume work once the town is satisfied with the actions taken to reduce the likelihood of further seismicity.

g. Operations shall be immediately suspended for any seismic event measuring 4.0 or above on the Richter scale. Operator may only resume work once the town is satisfied with the actions taken to reduce the likelihood of further seismicity.

b. *Noise and Vibration Mitigation Plan.* A Noise and Vibration Mitigation Plan shall be submitted with the Application to demonstrate how the facility will mitigate noise and vibration impacts to comply with the noise standards contained in this section. The plan shall include the following:

(1) A minimum one-week (168 consecutive hours) baseline ambient noise analysis. The baseline analysis must include wind speed, direction, rainfall data, season conducted, and any other relevant conditions;

(2) Noise Modeling. Using industry-recognized noise modeling software, modeling of expected dBA and dBC noise levels from the proposed oil and gas facilities and oil and gas operations during all phases of development and operation, assuming use of and identifying all noise-mitigating equipment and measures intended for use at the proposed oil and gas facilities or oil and gas operations. All Noise Modeling must include a list of all noise

sources, reference noise data used in the model for each source, noise attenuation specifications for any proposed noise walls, and a scaled map showing predicted noise levels;

(3) Modeled maximum A- and C-weighted decibel levels for all phases of development shall be presented using contour maps from the facility (combining noise sources) at 350 feet, 500 feet, 1000 feet, 2,000 feet, and to the property line of the adjacent properties. Contour maps shall be provided that demonstrate both unmitigated and mitigated decibel levels; and

(4) A plan of proposed mitigation measures to be implemented by the facility during each phase of development shall be provided to ensure compliance with the maximum permissible noise levels as listed in this Section.

12. Odor. The Operator's odor mitigation measures must comply with the Odor Mitigation Plan as outlined in this section and all applicable state and federal laws. In addition, the Operator shall implement the following measures:

a. Oil and gas facilities must not emit odor detectable after dilution with one or more volumes of odor free air to four volumes of clean air at any occupied residence.

b. If a resident within 1 kilometer (3,280 feet) of a facility complains of odor (either directly to the Operator, to the ECMC, or to the Town) the Operator shall determine whether the odor is caused by Operator's actions, by, at a minimum, conducting two odor measurements within a period of one hour – these measurements being separated by at least fifteen (15) minutes and taken 25 feet from the exterior wall of the residence. Operator will also provide a complete description of all activities occurring at the oil and gas location at the time of the complaint to the Town. Operator shall report its conclusions, including the factual basis for the conclusions, to the Town and the complainant within 48 hours of the complaint. If the Operator or Town determines that the odor is caused by Operator's operations, the Operator shall resolve the odor concern within 24 hours of receiving the complaint.

c. If it is determined that the operator caused odors in violation of the odor requirements outlined in this Code, Operators may be required to cease or change operations, notify affected residents, and/or temporarily relocate residents until the facility is no longer causing a violation.

d. If odor persists after an Operator complies with this Code, and there are reasonable grounds to believe the location continues to cause the odor, the Town may require the Operator to conduct additional investigation, which

may include audio, visual, and olfactory inspections or instrument-based leak inspections, and take appropriate corrective action based on the results of investigation and the severity of the odor.

e. In response to odor complaints the Town may require an Operator to collect and analyze a speciated air sample to measure for volatile organic compounds or hazardous air pollutants known to cause potential health risks and have acute health guideline values identified by the Agency for Toxic Substances and Disease Registry and/or CDPHE to further evaluate the risk of the odor. Speciated air sample collection shall be done utilizing a third-party vendor approved by the Town.

f. *Odor Mitigation Plan.* The Applicant shall submit an Odor Mitigation Plan with its Application indicating how its operations will prevent odors from adversely impacting the public and wildlife resources and further demonstrating compliance with the standards in this Code. The Odor Mitigation Plan shall include investigation and control strategies which shall be implemented upon receipt of odor complaint(s), the determination that the facility is causing the odor, or as required by the Town. These odor control strategies shall include at least the following:

- (1) Odorants, that are not a masking agent, shall be added to chillers and/or mud systems;
- (2) Additives to minimize odors from drilling and fracturing fluids except that Operators shall not mask odors by using masking fragrances;
- (3) The utilization of filtration systems and/or additives to minimize, not mask, odors from drilling and fracturing fluids in the drilling and flowback processes;
- (4) Increasing additive concentration during peak hours provided additive does not create a separate odor. Additives must be used per the manufacturer's recommended level;
- (5) The utilization of enclosed shale shakers to contain fumes from exposed mud where safe and feasible;
- (6) Drilling activities shall utilize minimum low odor Category IV or better drilling fluid or non-diesel-based drilling muds that do not contain benzene, toluene, ethylbenzene, or xylene (BTEX). Operator will employ the use of drilling fluid with low to negligible aromatic content during drilling operations after surface casing is set;

(7) Removing drilling mud from drill pipe each time it is removed from the well and wiping down drill pipes as they exit the well bore each time;

(8) Drill cuttings shall be covered to prevent odor while being transported by truck; and

(9) A prohibition of the use of D-822 drilling mud unless its use is required by ECMC.

13. Reclamation. Reclamation of the oil and gas operation must comply with the Reclamation Plans as outlined in this Section and all applicable state and federal laws.

a. *Interim Reclamation.* In addition to following the ECMC rules related to interim reclamation, the Operator shall comply with the following provisions:

(1) There shall be no permanent storage of equipment (i.e., vehicles, trailers, commercial products, chemicals, drums, totes, containers, materials, and all other supplies not necessary for uses on an oil and gas location) on the site of an oil and gas facility.

(2) When not in use, or if no longer needed for on-site operations, all equipment not being used on the site shall be removed from the site within thirty (30) days of completion of the work, weather conditions permitting.

b. *Final Reclamation.* In addition to following the ECMC rules related to final reclamation, the Operator shall:

(1) Give notice to the Town Administrator of the commencement and completion of final reclamation activity;

(2) Provide coordinates for the location of the decommissioned well(s), and any associated gathering or flow lines in a format suitable for input into the Town's GIS system; and

(3) Permanently mark the plugged and abandoned well with a brass plaque set in concrete similar to a permanent bench-mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the ECMC. The exact location will be recorded at the Larimer County clerk and recorder.

c. Plugging and Abandonment notice is required to ensure adequate public notice and traffic management, and review of final reclamation plans. At least 72 hours prior to commencing plugging and abandonment operations, Operator will provide to the Town:

- (1) A timeline for work to be accomplished;
- (2) Notice that has been submitted to the surface owner and all residents within 1 kilometer (3,280 feet);
- (3) The Form 4 Sundry Notice supplied to the ECMC to notify state of the plugging and abandonment; and
- (4) A Final Reclamation Plan in accordance this Section and approved by the surface owner.

d. *Reclamation Plans.* The Applicant shall submit an Interim Reclamation Plan and a Final Reclamation Plan with its Application. Both plans shall outline how the Applicant will comply with Berthoud Municipal Code and ECMC rules related to site reclamation.

(1) The Interim Reclamation Plan shall also, at a minimum, include:

- a. A site plan that defines the “working pad surface” limited to those areas necessary for production;
- b. A written description of existing vegetation in the area; and
- c. A plan for revegetation and any landscaping outside of working pad surface, or for reclaiming to the final land use as designated by the surface owner, and how it will be watered and maintained.

(2) The Final Reclamation Plan shall also, at a minimum, include:

- a. A timeline for the removal of all equipment from the location; and
- b. A detailed demonstration of how the Applicant will restore the site surface area to the condition it was prior to the oil and gas operation.

14. Spill Prevention, Containment, and Reporting. The Operator must comply with the provisions in its Spill Prevention and Containment Plan as outlined in this Section and all applicable state and federal laws. In addition:

- a. Unloading areas shall be designed to contain potential spills or direct spills into other secondary containment areas;
- b. Containment systems constructed of steel rimmed berms, or similar impervious surfaces that are equal to or better, shall be used for all secondary containment areas. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material. Inspection of all berms and containment devices shall occur at regular intervals, but not less than monthly. Maintenance of all berms and containment devices must remain in good condition;
- c. All spills or releases, whether reportable or not, shall be cleaned up immediately and to the satisfaction of the local emergency response authorities, in accordance with the Operator's Spill Prevention and Containment Plan. Any leak, release, or spill will be cleaned up according to applicable Town, county, state and federal laws. Operators will notify the Town immediately upon completion of clean-up activities.
- d. A root cause analysis of any spill, leak, or release of any substance other than fresh water that resulted in serious bodily injury or fatality, serious environmental harm, was a Grade 1 gas leak as defined by the ECMC, or is otherwise requested by the Town must be submitted to the Town within 30 days of the leak, spill, or release.
- e. *Spill Prevention and Containment Plan.* The Applicant shall submit a Spill Prevention and Containment Plan with all facility applications. The plan shall outline techniques, methods, and protocols to be utilized at the proposed facility to prevent, contain, clean up, document, and report any spills or releases, and shall demonstrate compliance with and implementation of the standards in this Section.

15. Transportation Impacts. The Applicant will be required to enter into a long-term road maintenance and improvements agreement, and a Development Agreement with the Town. These Agreements shall be presented with the Use by Special Review application at the public hearing. Additionally, Operator shall adhere to the provisions in the Traffic Impact Analysis and Routing Plan as detailed in this Section and the following the provisions:

a. All private roads used to maintain access to the tank batteries or the well site shall be improved and maintained according to the following standards:

(1) *Tank battery access roads.* Access roads to tank batteries shall be subject to review by the Town Engineer in accordance with the following minimum standards:

A. A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, Aggregate Base Course as specified for aggregate base course materials in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition.

B. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the Town Engineer.

C. Maintained so as to provide a passable roadway free of ruts at all times.

(2) *Location access roads.* Access roads to the oil and gas location shall be subject to review by the Town Engineer in accordance with the following minimum standards:

A. A graded, dirt roadway compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures and approved by the Town Engineer.

B. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the Town Engineer.

C. Maintained so as to provide a passable roadway generally free of ruts.

(3) *Public access roads.* An extra-legal vehicle or load permit shall be required for all extralegal vehicles or loads as defined in Sections 42-4-401 through 42-4-414, C.R.S., as amended, which use Town streets. Said permit, if required, shall be obtained from the Town Engineer prior to such use. The Operator shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the Operator shall minimize extralegal truck traffic on streets within the Town.

b. Every permit issued by the Town shall require the Applicant to pay a fee that is sufficient to pay the estimated cost for all impacts which the proposed operation may cause to facilities owned or operated by the Town or used by the general public, including, but not limited to:

(1) Repair and maintenance of roads;

(2) Bridges and other transportation infrastructure;

(3) Improvements made or to be made by the Town to accommodate the operations and to protect public health, safety and welfare; and

(4) Costs incurred to process and analyze the application, including the reasonable expenses paid to independent experts or consultants.

c. The Town shall establish a mechanism to assess and obtain payment of such fees, subject to the right of the Town to request additional funds if the fees prove to be insufficient, or to refund surplus funds to the Operator if the fees paid exceed the true cost of the impacts.

d. The Town may further require that the Applicant post a bond in an amount to be set during the Use by Special Review, as security in the event additional damages occur to facilities owned or operated by the Town or used by the general public.

e. As a condition of issuance of the permit and on an as-needed basis, the Town may require that additional site-specific measures be undertaken by the Operator in order to protect and preserve facilities owned or operated by the Town or used by the general public.

f. *Traffic Impact Analysis and Routing Plan.* A Traffic Impact Analysis and Routing Plan shall be submitted with all applications. The plan shall disclose routing alternatives and transportation infrastructure improvements proposed for the proposed facility to mitigate projected transportation impacts and demonstrate compliance with and implementation of the standards in this Section. The Traffic Impact Analysis and Routing Plan shall be prepared by a third-party vendor

approved by the Town. The Traffic Impact Analysis and Routing Plan shall include:

- (1) The proposed haul routes to and from the site, and public and private roads that traverse or provide access to the proposed operation;
- (2) The estimated number of vehicle trips per day for each type of vehicle, estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles and trips per day;
- (3) The identification of impacts to Town roads and bridges related to facility construction, operations, and ongoing new traffic generation.
- (4) A plan to mitigate transportation impacts that will typically include, but not be limited to, a plan for traffic control, ongoing roadway maintenance, and improving or reconstructing Town roads;
- (5) Detail of access locations for each well site including sight distance, turning radius of vehicles and a template indicating this is feasible, sight distance, turning volumes in and out of each site for an average day and what to expect during the peak hours;
- (6) Truck routing map and truck turning radius templates with a listing of required improvements are necessary at intersections along the route;
- (7) Restriction of non-essential traffic and prohibition of any class 7 vehicles and above to and from any oil and gas location to periods outside of peak morning and afternoon traffic periods during weekdays (7:00-8:00 a.m. and 3:00-6:00 p.m.); and
- (8) Identification of need for any additional traffic lanes, which would be subject to the final approval of the Town.

16. Water quality protection. Water quality protection and sampling must comply with the Water Quality Control Plan as outlined in this Section and all applicable state and federal laws. To avoid or minimize adverse impacts to surface and sub-surface water bodies from oil and gas facilities, the following measures will be required:

- a. *Water source sampling and testing.* Using records of the Colorado Division of Water Resources, the Applicant will be required to identify and offer to sample all available water sources located within one-half

mile of the projected track of the borehole of a proposed well and within one-half mile of the radius of the proposed location. All sampling must be conducted by a third-party consultant approved by the Town. The Applicant / Operator shall provide all water source test results to the Town and maintain records of such results. Sampling requirements include:

(1) Initial baseline samples and subsequent monitoring samples shall be collected from all available water sources within one-half mile of the projected track of the borehole of a proposed well and one-half mile radius of the oil and gas location;

(2) Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months;

(3) Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:

a. One sample within six months after completion;

b. One sample between twelve and eighteen months after completion; and

c. One sample between sixty and seventy-two months after completion.

b. For multi-well pads, collection shall occur annually during active drilling and completions.

c. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the oil and gas location. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the location.

d. An Operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all the constituents measured in Table 2, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.

- e. Operator shall make reasonable efforts to obtain the consent of the owner of the water source to be sampled. If the Operator is unable to locate and obtain permission from the surface owner of the water source, the Operator shall advise the Town Administrator that the Operator could not obtain access to the water source from the surface owner.
- f. Operator shall test for the analytes listed in Table 2, and subsequent testing as necessary or appropriate as determined by the Town.
- g. Operator shall follow standard industry procedures in collecting samples, consistent with the ECMC model Sampling and Analysis Plan.
- h. Operator shall report the location of the water source using a GPS with sub-meter resolution.
- i. Operator shall report on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- j. Operator shall provide copies of all test results described above to the Town Administrator, the ECMC, and the water source owners within three months after collecting the samples.
- k. *Subsequent sampling.* If sampling shows water contamination, the Town may require additional measures, including but not limited to the following:
 - (1) If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen);
 - (2) If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas;
 - (3) Immediate notification to the Town Administrator, the ECMC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l;
 - (4) Immediate notification to the Town Administrator, the ECMC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes;
 - (5) Further water source sampling in response to complaints from water source owners; and

(6) Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the Town Administrator, the ECMC and the water source owners.

1. All water source testing shall be conducted by a qualified independent professional consultant approved by the Town at the Operator's expense.

Table 2. Water Quality Analytes	
GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon)Bacteria Hydrogen Sulfide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon) Phosphorus

m. *Water Quality Control Plan.* Applicant shall submit a Water Quality Control Plan that details practices that will avoid impacts to water quality, comply with this section and all applicable state and federal water quality rules. The Plan shall include, but not necessarily be limited to plans for water quality testing, the prevention of illicit or inadvertent discharges and containment of pollutants in case of a discharge, and stormwater discharge management.

17. Water supply. The Applicant / Operator's acquisition and use of water must comply with the Water Supply Plan as outlined in this section and all applicable state and federal laws. In addition:

a. The water supply used must be the least detrimental to the environment among the available sources and adequate to meet the needs of the oil and gas operation.

b. The water supply shall be legally and physically available, dependable, and sustainable. Operator will implement reuse and recycling to the greatest extent practicable.

c. The operation shall not use water from the town's municipal water supply unless approved by the Board of Trustees.

d. Any necessary water agreements must be secured prior to any oil and gas operations commencing.

e. *Water Supply Plan.* Applicant shall submit a Water Supply Plan prepared by a certified professional engineer that demonstrates compliance with the applicable standards in this section and includes:

(1) A description of the physical source of the water that the Operator proposes to use to serve each phase of the operation;

(2) A list of all available physical sources of water other than the Town's municipal water for the operation, and if multiple sources are available, analysis to determine which source is least detrimental to the environment;

(3) The amount of water needed for each phase of the operation;

(4) Proof that the source of water supply is physically and legally available and dependable for each phase of the operation;

(5) A description of how water will be delivered to the site for each phase of the operation;

(6) A description of water efficiency methods;

(7) The amount of produced water expected to be recycled or reused; and

(8) The amount of wastewater produced, and disposal plans for wastewater.

18. Waste Management. Applicant must submit a Waste Management Plan for the disposal of all waste generated by the oil and gas facilities or oil and gas operations, including use of truck or pipeline transport with details of anticipated truck trips. The plan shall include provisions for the recycling or drilling, completion, and flowback fluids unless technically infeasible. The plan will identify whether waste materials will be stored on site and, if so, how such storage will avoid adverse impacts to the oil and gas facility parcel(s), surrounding lands, water, natural resources, wildlife resources, air quality, and public health, safety, and welfare. The plan must specify whether on-site storage of drilling mud is contemplated and, if so, how the applicant will eliminate odors leaving the site. The plan must also include a description of any sources of technically enhanced naturally occurring radioactive material used in or generated by the oil and gas operations and how those materials will be disposed. The Operator shall adhere to its Plan and all applicable state and federal laws related to waste management during its operations.

19. Wildlife. Operators must comply with all applicable state and federal laws related to wildlife resources and the Applicant's Wildlife Conservation Plan as outlined in this Section.

a. *Wildlife Conservation Plan.* The Applicant shall submit a Wildlife Conservation Plan that contains a map of ecologically important areas including critical wildlife habitat areas, riparian areas, rivers, water bodies, wetlands, potential conservation areas as identified by the Colorado Natural Heritage Program Species of Concern listing, Tier 1 and Tier 2 species as identified by the Colorado Parks and Wildlife, and of federally-designated threatened or endangered species, as mapped by other applicable federal and state governmental agencies or discovered upon inspection, on and within one mile of the parcel(s) on which the oil and gas facilities are proposed to be located. It shall also include, at a minimum, the following information:

(1) A description of the ownership, location, type, size, and other attributes of the wildlife habitat on the site;

(2) A description of the populations of wildlife species that inhabit or use the site including a qualitative description of their spatial distribution and abundance;

- (3) An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off-site;
- (4) A list of proposed mitigation measures and an analysis of the probability of success of such measures;
- (5) A plan for implementation, maintenance, and monitoring of mitigation measures;
- (6) A plan for any relevant enhancement or restoration measures; and
- (7) A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan.

§ 30-11-106: Application Outcome and Development Standards

- A. **Application Outcome.** An application for a Use by Special Review will either be approved, approved with conditions or denied. Denial shall be made if the proposed oil and gas facilities or operations cannot be conducted in a manner that protects public health, safety, and welfare, the environment and wildlife resources. Applications approved will be subject to any conditions placed on approval to ensure compliance with the standards listed in this Section 30-11-106 and Section 30-3-106. An approved Application will incorporate the plans submitted by the Applicant pursuant to Section 30-11-105, unless the Town requires additional industry recognized Best Management Practices or compliance with ECMC, CDPHE, and / or EPA rules, whichever is most protective of public health, safety, welfare, the environment and wildlife resources.
- B. **Development Standards.** The following Development Standards establish minimum standards of operation at sites in the Town:
 - a. Air quality standards, the Air Quality Protection Plan, and the Well Liquids Unloading Plan as outlined in Section 30-11-105(E)(1);
 - b. Chemical and Hazardous Materials Use, Disclosure, and Handling provisions and the Chemical and Hazardous Materials Plan as outlined in Section 30-11-105(E)(2);
 - c. Emergency Response standards and the Emergency Response Plan as outlined in Section 30-11-105(E)(3);
 - d. Flood mitigation measures as outlined in Section 30-11-105(E)(4);

- e. Flow lines, transfer lines, and gathering lines provisions and the Pipelines Plan as outlined in Section 30-11-105(E)(5);
- f. Fugitive Dust standards and the Fugitive Dust Control Plan as outlined in Section 30-11-105(E)(6);
- g. Historic and Cultural Resources protections as outlined in Section 30-11-105(E)(7);
- h. Incident and Accident Reporting provisions as outlined in Section 30-11-105(E)(8);
- i. Leak Detection and Repair provisions and the Leak Detection and Repair Plan as outlined in Section 30-11-105(E)(9);
- j. Lighting and visual impacts provisions and the Lighting and Visual Impacts Plan as outlined in Section 30-11-105(E)(10);
- k. Noise and vibration provisions and the Noise and Vibration Mitigation Plan as outlined in Section 30-11-105(E)(11);
- l. Odor mitigation provisions and the Odor Mitigation Plan as outlined in Section 30-11-105(E)(12);
- m. Reclamation provisions and the Reclamation Plans as outlined in Section 30-11-105(E)(13);
- n. Spill prevention, containment, and reporting and the Spill Prevention and Containment Plan as outlined in Section 30-11-105(E)(14);
- o. Transportation impacts and the Traffic Impact Analysis and Routing Plan as outlined in Section 30-11-105(E)(15);
- p. Water quality protection and the Water Quality Control Plan as outlined in Section 30-11-105(E)(16);
- q. Water supply provisions and the Water Supply Plan as outlined in Section 30-11-105(E)(17);
- r. Waste Management provisions as outlined in Section 30-11-105(E)(18); and
- s. Wildlife protection and the Wildlife Conservation Plan as outlined in Section 30-11-105(E)(19).

C. **Variances.** Any request for a variance from the Development Standards outlined in this Section shall indicate how the proposed variance would be similarly protective of public health, safety, welfare, the environment, and wildlife resources and follow the variance procedures outlined in Section 30-3-108.

D. **Annual Operator Registration.** Operators of any new oil and gas facilities approved after the effective date of this Section shall submit an Annual Operator Registration to the Town within 60 days of approval of any new facility. Operator registration must be updated and renewed annually by July 1. Annual Operator Registration submittal requirements shall include:

- (1) A list of all wells and production within the Town within the previous three years;
- (2) List of any reportable safety events over the previous three years as defined by ECMC Rule 602(g) or successor rules. Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures;
- (3) List of any spills or releases over the previous three years; and
- (4) List of any notices of alleged violations issued by the ECMC or CDPHE over the previous three years.

E. **Memorandum of Understanding.** A condition of approval for any new oil and gas operation Application is a signed Memorandum of Understanding (MOU) between the Operator and the Town. The MOU shall include, but not necessarily be limited to, the following conditions:

- (1) The Operator agrees to abide by all Town, state, and federal regulations applicable to the oil and gas facility, and the imposition of penalties for noncompliance pursuant to Section 30-5-101;
- (2) The Operator agrees to cover any costs to repair the Town's transportation infrastructure necessitated by a proposed new oil and gas operation; and
- (3) The Operator shall reimburse the Town for all inspection costs necessary to inspect well sites approved under this section to determine compliance with this Chapter and any permits issued by the Town. Such fees shall include actual costs incurred by the Town, including but not limited to employee or contractor time, employee or contractor supervision, legal and consulting fees, necessary equipment rental, mileage, and overhead. Costs may also include necessary personnel and time to analyze operator-submitted inspection and spill reports.

- F. **Application fee.** An application for approval of a new oil and gas facility shall be accompanied by an application fee set by the Town. The applicant is also responsible for all costs of reviewing and processing the permit application, including but not limited to the costs of legal, consultant, and referral agency review of the permit application, the pre-application conference, completeness determination, and all hearings and meetings on the permit application. All additional costs must be paid in full prior to final action by the Town on the permit application. A Memorandum of Understanding regarding payment of fees is an application requirement.

§ 30-11-107: Insurance and financial assurances

A. Risk Management Plan. The Applicant shall submit a Risk Management Plan with its Application. The plan shall include risk identification, frequency, responsibilities, assessment, response, planning mitigation, and methods of risk avoidance and control that implement techniques to prevent the accident/loss and reduce the impact after an accident/loss occurs. It shall also include a summary of how the Applicant will comply with the insurance and financial assurance requirements in this Section. Operators shall periodically update and revise the plan, but at least every three years and after any incident listed in Section 30-11-105(E)(8).

B. Insurance. Operator shall maintain or cause to be maintained, with insurers authorized by the state of Colorado and carrying a financial strength rating from A.M. Best of no less than A-VII (or a similar rating from an equivalent recognized ratings agency), at a minimum, the following types of insurance with limits no less than the amounts indicated:

- (1) Commercial general liability insurance on an occurrence form including coverage for bodily injury and property damage for operations and products and completed operations with limits of not less than \$1,000,000 for each occurrence, \$2,000,000 General Aggregate and \$2,000,000 Products/Completed Operations Aggregate. The Town requires the Products/Completed Operations coverage to be provided three years after completion of construction. An endorsement must be included with the certificate.
- (2) Automobile liability insurance with limits of not less than \$1,000,000 each accident covering owned, hired and non-owned vehicles.
- (3) Workers' compensation and Employer's Liability insurance must be maintained for all employees, providing statutory coverage and Employer's Liability insurance with minimum limits of \$100,000 each accident, \$100,000.00 disease-each employee and \$500,000 disease policy limit.

(4) Control of well/operators extra expense insurance with limits of not less than \$25,000,000 covering the cost of controlling a well that is out of control or experiences a blowout. Coverage shall include re-drilling or restoration expenses, legal liability for pollution-related bodily injury or property damage resulting from an out of control well event, loss of equipment and evacuation expense.

(5) Umbrella/excess liability insurance in excess of general liability, employer's liability, and automobile liability with limits no less than \$25,000,000 per occurrence; provided, however, that for so long as all pre-production phases are ongoing at the oil and gas location, Operator will maintain such insurance with limits no less than \$100,000,000 per occurrence.

(6) Environmental liability/pollution legal liability insurance for gradual pollution events, providing coverage for bodily injury, property damage or environmental damage with limits no less than with limits of not less than \$25,000,000 per pollution incident. Coverage shall include claims arising during transportation and at non-owned waste disposal sites. Should this insurance be on a claims-made basis the retroactive date must precede the date field activities were initiated.

(7) *Contractors.* Operator shall require adequate insurance of its contractors and subcontractors. Operator agrees that it shall be responsible for any damage or loss suffered as a result of negligence by Operator or any subcontractor with these requirements.

(8) Operator shall waive and cause its insurers to waive for the benefit of the Town any right of recovery or subrogation which the insurer may have or acquire against the Town or any of its affiliates, or its or their employees, officers or directors for payments made or to be made under such policies.

(9) Operator is required to add the Town and its elected and appointed officials and employees as additional insureds under general liability (including operations and completed operations), auto liability, Environmental/Pollution Liability and umbrella liability policies.

(10) Operator shall ensure that each of the policies are endorsed to provide that they are primary without right of contribution from the Town or any insurance or self-insurance otherwise maintained by the Town, and not in excess of any insurance issued to the Town.

(11) Operator shall ensure that each of the policies above (excluding workers' compensation and control of well/operator's extra expense) are endorsed to state that the inclusion of more than one insured under such insurance policy shall not operate to impair the rights of one insured against another insured and that the coverage afforded by each insurance policy shall apply as though a separate policy had been issued to each insured.

(12) All policies shall be endorsed such that they cannot be canceled or non-renewed without at least thirty days' advanced written notice to the Operator and the Town, evidenced by return receipt via United States mail, except when such policy is being canceled for nonpayment of premium, in which case ten days advance written notice is required. Language relating to cancellation requirements stating that the insurer's notice obligations are limited to "endeavor to" are not acceptable.

(13) Operator shall, prior to permit issuance, and at least annually, deliver certificates of insurance reasonably acceptable to the Town confirming all required minimum insurance is in full force and effect.

(14) Deductibles or retentions shall be the responsibility of Operator. Deductibles or retentions must be listed on the certificate of insurance required herein and are subject to the reasonable approval of the Town.

(15) Operator shall require any of its subcontractors to carry the types of coverage and in the minimum amounts in accordance with the requirements this section. Operator agrees that it shall be responsible for any damage or loss suffered by the Town as a result of non-compliance by Operator or any subcontractor with these requirements.

(16) If Operator's coverage lapses, is cancelled or otherwise not in force, the Town reserves the right to obtain insurance required herein and charge all costs and associated expenses to Operator, which shall become due and payable immediately.

C. Financial Assurance. A surety bond or other financial assurance deemed acceptable by the Town is required from the Operator to ensure performance of all obligations of the operator in compliance with all rules, regulations, and laws imposed by the Town, including the obligation to properly plug, abandon and reclaim all wells, well sites and pipelines. Upon the commencement of any work on the oil and gas operation, the Operator shall procure and deposit with the Town a surety bond issued by an insurer authorized by the state of Colorado and carrying a financial strength rating from A. M. Best of no less than A- VII. The amount of financial assurance required is \$100,000 for an oil and gas location, but if the location includes more than one well, the assurance must include \$100,000 for each additional well. The applicable bond amount shall be released when all oil and gas wells subject to the Application approval have been plugged and abandoned, and the site reclaimed, as determined by the Town.

§ 30-11-108: Inspections, enforcement, and fines

A. Operator Inspections. Operators are required to inspect their oil and gas facilities to ensure compliance with all federal, state, county, and Town rules.

(1) **Applicability.** This section applies to Operators of pre-existing oil and gas operators on property previously annexed by the Town subsequent to the

effective date of this section, and to operators who have obtained a Use by Special Review permit after the effective date of this section.

(2) **Operator Inspections.** All Operators must inspect all oil and gas facilities, including shut-in and temporarily abandoned facilities, and all oil and gas operations as follows:

- a. Conduct soil sampling for contamination within the boundaries of oil and gas facility pads and along pipeline routes annually;
- b. Use equipment-assisted inspection for emissions or releases, including use of best available technology (such as infrared cameras), at least every 90 days; and
- c. Conduct visual inspections for liquid leaks within the boundaries of oil and gas facility pads and along pipeline routes at least every 90 days.

(3) **Inspection Reporting.** Operators will report the date, methodology, subject, and results of all inspections to the Town no later than the last day of each month.

(4) **Spills, Leaks and Releases.** Spills, leaks, and releases of any substance other than fresh water, including spills of produced water, oil, condensate, natural gas liquids, all spills outside of secondary containment, gas leaks, other fugitive emissions, and exploration and production waste, shall be reported to the Town immediately upon discovery and no later than 8 hours thereafter. When leaks, spills, or releases are discovered by Town or Operator inspection or otherwise, the enforcement mechanisms and penalty provisions in sections [pre-existing penalty section in BMC or cross-reference new penalty section].

(5) **Reporting.** For spills or other releases meeting the Colorado reporting requirements pursuant to Section 25-8-601(2), C.R.S. or ECMC Rule 912, or any successor statute or rule, Operators will adhere to all state reporting requirements.

(6) **Clean-up.** Any leak, release, or spill shall be stopped and cleaned up according to applicable Town, county, state and federal laws, including Colorado Water Quality Control Commission regulations, the Colorado Oil and Gas Act, the federal Clean Air Act, and the federal Clean Water Act. Operators will notify the Town immediately upon completion of clean-up activities.

(7) **Root Cause Analysis.** A root cause analysis of any spill, leak, or release of any substance other than fresh water that resulted in bodily injury or fatality, serious environmental harm, was a Grade 1 gas leak as defined by the ECMC, or is otherwise requested by the Town shall be submitted to the Town within 30 days of the leak, spill, or release.

B. Town Inspections. To monitor compliance with permit conditions or if the Town determines at any time that there is a violation of the provisions of this section, the Town may inspect oil and gas facilities and commence enforcement if necessary to ensure compliance with the provisions of this Chapter.



(1) **Right to Enter.** Any oil and gas facility may be inspected by the Town, or the Town's designee, at any time to ensure compliance with the requirements of Town permits or the provisions of this section. Unless urgent circumstances exist, the Town will use best efforts to ensure that 1 hour of prior notice is given to the Operator's contact person at the telephone number on file. Town inspections will be coordinated with the Operator to ensure Operator presence onsite to the extent possible and to ensure the site visit is conducted in accordance with all applicable operator safety requirements. Inspections in response to odor complaints will occur as soon as feasible upon receipt of the complaint.

(2) **Records.** Operators will disclose any and all information regarding operations or activities of the oil and gas operation to the Town. This includes, but is not necessarily limited to, daily drilling logs, air quality monitoring data, noise monitoring data or logs, water analysis reports, environmental assessments, daily activity logs or reports, and records or reports required by the CDPHE, the ECMC, the Colorado Public Utilities Commission, the Occupational Safety and Health Administration, and the Pipeline and Hazardous Materials Safety Administration. Operators shall submit all reports required by this rule to the Town electronically.

(3) **Inspection fees.** The Town may require the Operator to pay reasonable inspection fees for inspections conducted by the Town or a third party approved by the Town as detailed in a Development Agreement.

C. Violations. Violations of any condition of approval or any provisions of this Section may be subject fines and penalties.

(1) [Separate **Fine schedule** for oil and gas violations if the Trustees decide one is needed].

(2) **Suit to Enjoin ECMC Rule Violation.** If the Town discovers a violation or threatened violation of Title 34, Article 60 of the Colorado Revised Statutes or any rule, regulation, or order made under that Article, the Town will notify the ECMC in writing. If the ECMC fails to file a Notice of Alleged Violation against the Operator in a timely manner, the Town Attorney may file an action on behalf of the Town seeking injunctive relief.

(3) **Other Penalties.** In addition to or in lieu of civil fines, the Town may exercise remedies for Operator violations including the following:

A. Increased Operator or Town inspection frequency at the Operator's expense;

B. Mandatory equipment upgrades;

C. A requirement to conduct an audit of the systems or equipment involved in the violation(s); and / or

D. A requirement for increased reporting to the Town.

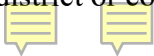
e. **Written Order Suspending the Approval.** As a result of either (i) emergency conditions, or (ii) 3 or more fines imposed for serious violations within 12 months, the Town may issue a written order to the Operator. Upon receipt, the Operator shall cease all activities and operations immediately until the violation is remedied or appeal the order suspending approval to the Board of Trustees within 14 days.

f. **Other Enforcement Remedies.** In addition to the foregoing enforcement measures, the Town has the right to any and all other enforcement measures and remedies provided by law, including but not limited to seeking relief through the courts to enforce any conditions of the Development Agreement or to stop or abate any oil and gas operations occurring or about to occur without the requisite special use, required permits, or other Town approvals. Nothing in this section shall limit the remedies available to the Town for a violation of this section.

§ 30-11-109: Judicial Review

[Decisions of the Board of Trustees shall be subject to review as applicable pursuant to C.R.C.P. 106(a)(4).]

[Or, current § 30-11-115(b)(4) (related to penalties) says: “Any action seeking judicial review of a final decision of the Town shall be initiated within 30 days after the decision was made, in the district or county court in and for the Town of Berthoud, Colorado.”]



Modifications to existing land use code, like 30-3-106, could go here.

30-3-106.B.2.c: Applicants for new oil and gas operations shall also adhere to the standards provided in 30-11-101 *et seq.*

[Add ‘consistent with public health, safety, welfare, the environment, and wildlife’ as a review criteria in 30-3-106.C?]

TOWN BOARD INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	January 9, 2024
Agenda Title/Subject:	Public Hearing to consider proposed amendments to Chapter 13 and Chapter 30 of the Berthoud Municipal Code.
Type of Item:	Regular Item
Purpose:	Request for a recommendation to send to the Board of Trustees regarding the proposed amendments to the Land Development Code, Chapter 30 of the Berthoud Municipal Code
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Ordinance 1332
- Exhibit A to Ordinance

BACKGROUND:

Amending the Berthoud Municipal Code is necessary to keep pace with State regulations, to clarify intent and processing standards, and to identify opportunities to strengthen the requirements for land use development proposals to ensure the resulting development will adhere to the Town's 2021 Comprehensive Plan update. The proposed changes are consistent with State regulations regarding marijuana businesses.

UPDATE/NEXT STEPS:

The Board of Trustees may give direction to consider the adoption of the attached ordinance on January 23, 2023.

FISCAL IMPACT AND FUND SOURCE:

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

COMMUNITY TOUCHSTONES:

Consideration of this request does support the Touchstones of Resilience, Sustainability and Community Identity. Keeping pace with State regulations regarding Marijuana regulations and term definitions by updating the Town's Municipal Code is resilient and provides a sustainable path forward by having current regulations.

RECOMMENDED ACTION(S):

The Board of Trustees may give direction to bring the ordinance back for consideration after a Public Hearing on January 23, 2024.

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1332
(SERIES 2024)**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO AMENDING CHAPTERS 13
AND 30 OF THE BERTHOUD MUNICIPAL CODE REGARDING MARIJUANA BUSINESSES**

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 State regulations; and

WHEREAS, the Planning Commission, after proper notice, has held a public hearing on December 14, 2023 on this Ordinance providing for a recommendation of approval from the Town Board of Trustees; and

WHEREAS, the Municipal 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. Chapter 13, Sections 13.13-5(a), 13.13-6(b), 13.13-6(e), 13.13.8, 13.13-10, 13-13.11, and 13.16-5 regarding marijuana businesses is amended as set forth in Exhibit A.

Section 2. Chapter 30, Sections 30-1-116, 30-3-113, 30-3-112, 30-1-117, 30-3-104, Table 3.10 of Chapter 30 regarding land use application processing requirements as set forth in Exhibit A, attached is hereby adopted;

Section 3. 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 4. 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 5. 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 second reading this ____ day of January 2024.

TOWN OF BERTHOUD

By _____

William Karspeck, Mayor

ATTEST:

By: _____

Christian Samora, Town Clerk

EXHIBIT A: Ordinance (2024)

13.13-5 General Provisions

A.

General Licensing Provisions. The general procedures and requirements for municipal ~~sales tax~~business licenses, as more fully set forth in the Berthoud Municipal Code Chapter ~~23-14.10~~ shall apply to medical marijuana business licenses. To the extent there is any conflict between the provisions of this Section and Chapter 14.10 the provisions of this Section shall control for medical marijuana sales tax licenses.

13.13-6 Application

b.

Denied an application for a liquor license pursuant to Title ~~12-44~~, Article ~~47 or Article 46~~10, C.R.S., or any similar state or local licensing law, or had such a license suspended or revoked.

e.

Investigation. For purposes of section ~~12-43.3-303(2)~~44-10-304, C.R.S., the investigation of the application by the Town is not complete until the Town Licensing Authority has (i) determined the application is complete, (ii) determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws, (iii) conducted an inspection of the business, (iv) obtained all other information the Town Licensing Authority determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions, and (v) the Town Licensing Authority has voted to approve the license application.

13.13-8 Locations of Medical Marijuana Businesses

Location — Permitted Use in Zoning District. A medical marijuana business license may be issued only in the zones and pursuant to the restrictions set forth in Section 5, of Chapter 30 of the Berthoud Municipal code, ~~as amended by Ordinance 1132 on June 2, 2011.~~

A.

13.13-10 Stores and Cultivation Facilities Only.

Medical marijuana businesses operating within the Town of Berthoud shall be limited to licensed medical marijuana cultivation facilities and licensed medical marijuana stores. Further, it shall be unlawful to operate a medical marijuana cultivation facility that is not immediately adjacent to and under the same ownership as a retail marijuana store or a medical marijuana store. Medical marijuana store, medical marijuana cultivation facility and

retail marijuana store shall have the same definition as those terms are defined in C.R.S. Section 44-10-103, as amended.

13.13-11 Cultivation Facilities Sales and Distribution

A medical marijuana cultivation facility may sell and distribute its products to only licensed medical marijuana stores, medical marijuana products manufacturers, or other medical marijuana cultivation facilities.

13.16-5 Licensing Authorized-Stores and Cultivation Facilities Only-Cultivation Facilities Sales

A. Retail marijuana businesses operating within the Town of Berthoud shall be limited to licensed retail marijuana cultivation facilities and licensed retail marijuana stores. Further, it shall be unlawful to operate a retail marijuana cultivation facility that is not immediately adjacent to and under the same ownership as a retail marijuana store or a medical marijuana store. Retail marijuana store, retail marijuana cultivation facility and medical marijuana store shall have the same definition as those terms are defined in C.R.S. Section 44-10-103, as amended.

B. A retail marijuana cultivation facility may sell and distribute its products to only licensed retail marijuana stores, retail marijuana products manufacturers, retail marijuana hospitality and sales business, or other retail marijuana cultivation facilities.

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Clarification on the allowance for business operations involving Medical and Retail Marijuana and growing operations to be consistent with Colorado Revised Statute.

30-1-116 – Definitions

258. *Marijuana store, medical* means a person licensed pursuant to C.R.S. Title 44, Article 10, to operate a business as described in C.R.S. [Section 44-10-501](#) that sells marijuana to registered patients or primary caregivers defined in section 14 of article XVIII of the state constitution.

258.1 *Marijuana store, retail* has the same meaning as defined in Section 16(2)(n) article XVIII of the state constitution.

259. *Marijuana products manufacturer, medical* means a person licensed pursuant to C.R.S. Title 44, Article 10 to operate a business as described in C.R.S. [Section 44-10-503](#).

259.1 *Marijuana products manufacturer, retail* has same meaning as defined in section 16(2)(i) article XVIII of the state constitution.

260. ~~M~~*marijuana cultivation facility, medical*~~ar~~*ijuana* means a person licensed pursuant to C.R.S. Title 12, Article 10 to operate a business as described in C.R.S. [Section 44-10-502](#).

260.1 *Marijuana cultivation facility, retail* has the same meaning as defined in section 16(2)(h) article XVIII of the state constitution.

[260.2 Marijuana business, medical](#) has the same meaning as defined in C.R.S. [Section 44-10-103\(35\)](#).

[260.32 Marijuana business, retail](#) has the same meaning as defined in C.R.S. [Section 44-10-103\(58\)](#).

[260.42 Allowed marijuana business](#) as used in this Chapter 30 shall mean collectively and exclusively [medical marijuana stores, retail marijuana stores, medical marijuana products manufacturers, retail marijuana manufacturers, medical marijuana cultivation facilities and retail marijuana cultivation facilities and excludes all other medical marijuana businesses and retail marijuana businesses.](#)

30-3-113 ~~30-3-113~~ – Retail Marijuana Businesses

- A. [Allowed/Disallowed.](#) It shall be unlawful to operate a marijuana business in the Town of Berthoud unless it is an allowed marijuana business as defined in Section 30-1-116. Unless the context requires otherwise, the term “marijuana business” as used in Section 30-3-113 means an allowed marijuana business. It shall be unlawful to operate a retail marijuana cultivation facility or a retail marijuana products manufacturing business that is not co-located on the same parcel of land as a retail marijuana store. It shall be unlawful to operate a medical marijuana cultivation facility or a medical marijuana products manufacturing business that is not co-located on the same parcel of land as a medical marijuana store.
- B. [Compliance with State laws](#)~~Defined.~~ This section applies to ~~retail~~ [allowed](#) marijuana businesses ~~that are allowed within the Town of Berthoud~~ and [terms not defined herein shall have the meaning incorporates the definitions](#) set forth in Section 44-10-103 C.R.S., as amended. [All marijuana businesses shall be comply with all applicable state statutes, as the](#)

~~same may be amended, and~~ Those regulations which are and will be adopted by the Colorado Department of Health and Environment and Colorado Department of Revenue ~~are incorporated herein by this reference.~~

- C. *Review process.* Applications for a Use by Special Review permit for any allowed marijuana business ~~facility, operation or premises for the cultivation, manufacture, processing, distribution and/or sale of marijuana, marijuana products or related activities~~ must be submitted in conformance with the Use by Special Review Permit application process and provisions of this Code including the procedures found in Table 3.10.
- D. ~~This includes applications for~~ allowed marijuana businesses ~~stores, retail cultivation facilities, marijuana products manufacturing~~ whether co-located or not; ~~and marijuana growing operations as long as the growing operation is located on the same parcel of land where retail sales occur.~~
1. Notice shall be given in accordance with the public hearing and general notice provisions found in this Chapter.
 2. Unless otherwise provided in the resolution approving it, as stated in the Resolution, the the allowed marijuana business Special Use Permit ~~shall be commenced within six months of the date of such approval~~ time such Special Use Permit is granted; otherwise the allowed marijuana business Special Use Permit shall be null and void.
- E. *Permitted zoning districts.* Applications for all uses identified above shall only be accepted for properties located in the M1: Limited Industrial and M2: Industrial zone districts as designated north of Mountain Avenue, south of Bunyan Avenue, east of the rail line, and west of 1st Street. Allowed mMarijuana businesses ~~establishments~~ shall not be permitted on properties located on Mountain Avenue.
- F. *Use by Special Review permit criteria.* In their review of applications for any premises or facility, the Planning Commission and Board of Trustees shall consider, at a minimum, the following factors:
- a. The number, type, and availability of ~~retail~~ allowed marijuana businesses located in or near the location under consideration;
 - b. That the location must be over 1,000 feet away from established schools, rehabilitation facilities, licensed daycare centers and non-profit centers for the care of minors with such distance measured in a linear (straight line) manner from edge of property to edge of property;
 - c. That any ~~retail~~ allowed marijuana business may be no closer than 1,000 feet from any other marijuana business with such distance to be measured in a linear (straight line) manner from edge of property to edge of property;
 - d. The size of the building housing the marijuana business;
 - e. The proposed security plans;
 - f. The character, experience and criminal history of all persons involved as management, employees and owners;
 - g. Sanitary issues, health safety issues, fire safety issues, building code issues and waste water effluent issues;
 - h. The needs and desires of the community with respect to the requested Use by Special Review permit and specifically, why those needs are not and cannot be met by the existing facility(ies) in the Town of Berthoud at that time. It shall be incumbent upon all applicants

to document how the needs of the Berthoud community are not being met by existing premises and/or facilities and to provide data to adequately address this issue.

30-3-112 Home occupations

- A. Purpose: The purpose of ~~this section 30-3-112e Home Occupation Section~~ is to regulate the conduct of operating ~~provide parameters to guide residents who wish to conduct an occupation or business activity in the residenceea residence or other in an approved structure on the same property as attheir residence.~~
- B. Home occupations must meet the following standards:
7. The following uses because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area shall not be permitted as home occupations:
 - a. Marijuana businesses including allowed marijuana business as defined in Section 30-1-116
Medical marijuana businesses
 - b. Retail marijuana businesses
 - ~~e.~~
 - c. Auto repair or motorized implement repair
 - d. Dance, music or other types of instruction (if more than four students being instructed at one time)
 - e. The painting of vehicles, trailers or boats
 - f. Private schools with organized classes
 - g. Welding shops
 - h. Nursing facility(ies)
 - i. Any retail or wholesale sales to consumers upon the premises not incidental to the home occupation (e.g. hair care products at a hair stylist are incidental sales).
 10. A Home Occupation must maintain a Town of Berthoud Business License.

30-1-117 - Public hearing and general notice provisions

A portion of this table is being revised to reflect the correct terminology for Marijuana businesses. The remainder of the table shall remain the same.

Table 1.1 Hearing and notification requirements

	Hearing	Publication	Mailed notice	Post sign
Use by Special Review: <u>Allowed Marijuana Business</u> /Oil and Gas	Before Town Board as a hearing	No less than 15 days prior to hearing	Yes, to property owners within 500 feet, and referral agencies no less than 15 days prior to Board meeting	Yes, no less than 15 days prior to Town Board meeting

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

Amend Table 3.3: Principal and conditional uses by zone district to reflect the following changes only. No other changes to these tables are being requested at this time. The location of an an allowed marijuana businessfacility can occur in the area of Town specified in Section 30-2-113.C and only in the Industrial M-1 and M2- Districts.

☒ Principal Use By Right
☐ Use by Special Review
<i>Commercial, retail or service land uses</i>
Allowed Marijuana businessstore
Marijuana product manufacturing
Marijuana cultivation facility

Amend Table 3.7 Suburban Use Table to remove Marijuana establishments from this Zone District. It was not the intent to allow this land use in the Suburban Zone District as the location of a marijuana facility can occur in the area of Town specified in Section 30-2-113.C and only in the Industrial M-1 and M2- Districts as reflected in Table 3.3.

☒ Principal Use By Right
☐ Use by Special Review
<i>Commercial, retail or service land uses</i>
Medical Marijuana center
Medical marijuana infused product manufacturing
Medical marijuana optional premises cultivation operation

A portion of Table 3.10 is being revised to reflect the correct terminology for Marijuana businesses. The remainder of the table shall remain the same.

Table 3.10

Application Process	Required pre-application meeting	Application Submittal	Certification of Completeness	Notice to Surrounding Property Owners; Hearing Date publication; Sign Posting requirements	Mineral Notice	Referral Period	Administrative Option	Planning Commission	Town Board of Trustees	Criteria for Approval	Ordinance/Resolution	Conditions of Approval Addressed including Development Agreement	Record documents
Application Type													
Use by Special Review for Allowed Marijuana Business	Yes	Yes	Yes	Refer to the Hearing and Notification requirements Section of this Chapter of the Municipal Code	Yes	Yes	No	Yes	Yes	Yes	Resolution	Yes	Yes
