

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, APRIL 8, 2003
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, April 8, 2003, in the Board Room of Town Hall. Mayor Milan Karspeck called the meeting to order at 7:32 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Mayor Pro-Tem Jenny Foote
Trustee Glen Buckingham
Trustee David Gregg
Trustee Michael Patrick
Trustee Peder Thorstensen

MEMBERS ABSENT: Trustee Don Ashcraft

STAFF PRESENT: Administrator Jim White
Parks and Recreation Director Brian Saya
Planner Wayne Reed
Attorney Bruce Fickel
Town Clerk Mary Cowdin
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

Carolyn Creager of the Berthoud Athletic Club introduced herself and described the programs she is now offering to the Town of Berthoud.

CONSENT AGENDA

The consent agenda consisted of items 5a, the minutes of the regular meeting on March 25, 2003 and the special meeting on April 1, 2003; and 5b, the Financial Statement for February 2003.

Trustee Patrick requested that both sets of minutes be removed from the Agenda to be considered separately.

Mayor Pro-Tem Foote moved to approve the consent agenda consisting of the Financial Statement for February 2003. Second by Trustee Gregg. All members voted YES.

Trustee Patrick requested that the minutes be continued to the next meeting to allow time for review.

MARY'S FARM TRACT A ALLOCATION

Planner Reed noted the development agreement for Mary's Farm Tract A guaranteed nineteen (19) building permits for a period of one hundred and twenty (120) days. Those permits could be extended for ninety (90) days, and that extension expired as of February 27, 2003. The permits expired prior to the approval of Ordinance 960. Planner Reed noted that all available permits have been allocated, and there are no additional permits to give this developer under the growth cap.

Cliff Anson addressed the Board, noting that prior to the approval of Ordinance 960 they had applied for an extension for the permits they were allocated for Mary's Farm Tract A. He questioned why this ordinance does not give them the same extension any other development would have. He noted they are asking for an amendment to their development agreement to give them a two-year extension, and if this is not possible, they are asking the Board to grant them a special allocation from the discretionary pool.

Trustee Patrick noted the intent of Ordinance 960 was for all previously granted permits to be rolled forward, and this development should be included in that process. Planner Reed noted Fickel Farm should also be clarified at this time. Trustee Patrick agreed that those permits should roll forward also.

Trustee Buckingham moved to support the roll forward for all permits from 2002, as provided under Ordinance 960, to include Mary's Farm Tract A and Fickel Farm 3rd Subdivision. Second by Trustee Gregg. All members voted YES.

SET PUBLIC HEARING ON ERICKSON REZONE

Planner Reed summarized this request. Mayor Karspeck read the proposed ordinance.

Mayor Pro-Tem Foote moved to set the public hearing for April 22, 2003. Second by Trustee Patrick. All members voted YES.

PARKS AND RECREATION EQUIPMENT BIDS

Brian Saya presented information regarding two pieces of equipment we are ready to purchase. The first is a Walker Mower for the Street/Cemetery Departments and the second is a Kawasaki 3010 utility vehicle for the Parks and Recreation Department.

Trustee Buckingham asked whether funds were budgeted for these items. Administrator White noted funds were included for the Walker Mower. For the utility vehicle for Parks

and Recreation, we included \$1,352 to cover the lease payment if we leased this equipment for five years. We traded-in one piece of equipment and sold another to help pay for this piece of equipment. With the funds available, it was determined that it would cost an additional \$1,000 to lease the equipment over the five year period. We have identified additional funds in the Conservation Trust account to allow us to pay for the equipment, and recognize a substantial savings.

With no objections, the Board approved this purchase.

MASTER PLAN LAND USE PLAN

Planner Reed noted the Board of Trustees closed the public hearing on the I-25 Sub-Area Master Plan Land Use Plan, but continued the item to this meeting. He presented a draft summary of the recommendations from the previous meeting.

Trustee Patrick asked if the recommendations from the meetings are included in the draft land use plan. Planner Reed noted he had a meeting with Frank Dreckman at Downey, Thorpe and James, where these comments were reviewed and the direction of the Board clarified. Planner Reed noted a revised draft of the land use plan will be presented to the Planning and Zoning Commission this Thursday, and he anticipates this will be continued at their meeting to allow time to incorporate all additional requested changes.

Trustee Patrick noted the recommendation was to include islands of commercial/retail service within residential areas. Planner Reed suggested these areas need to be contained as nodes. Mr. Dreckman agreed, and noted it would be appropriate to provide strict guidelines on the plan to establish what we feel is appropriate. Board members requested the revised plan be returned to the Board before it is approved by the Planning and Zoning Commission.

Trustee Buckingham suggested we use averages, rather than applying ranges to establish density. That would allow us to have more control on the number of units in any development. Trustee Patrick noted the revisions clarifying the ranges described by Planner Reed would also accomplish the same goal.

Trustee Gregg suggested revisions to the density ranges, since most developers will tend to develop to the higher end of the range. He noted in other municipalities, the first break comes after 3 or 4, and the second break is usually somewhere between 8 and 12, and is specific to single family attached dwellings.

Trustee Buckingham noted averages would allow developments to come in below the average. In the middle range, as this is stated, you could expect to see the majority of the submissions developing at the high end.

Trustee Gregg agreed, but noted averaging would be difficult to manage because it would be difficult to be fair to all participants.

Mayor Karspeck noted a land use plan provides broad guidelines. We can get more specific as we move through the process. Planner Reed agreed, noting this indicates we clearly have more work ahead of us to develop a master plan that will allow us to control the development in this area.

Trustee Gregg moved to recommend approval of the I-25 Land Use Plan with suggested Board recommendations included. Second by Mayor Karspeck. Mayor Karspeck, Mayor Pro-Tem Foote and Trustees, Patrick, Thorstensen and Gregg voted YES. Trustee Buckingham voted NO.

PUBLIC HEARING WILSON RANCH ANNEXATION

Mayor Karspeck opened the public hearing. Planner Reed advised the Board that we received a request from the applicant to continue this hearing to April 22, 2003. He noted it is difficult to review documents of this magnitude at one meeting. He will distribute the preliminary plan, and the terms of the annexations agreement, which will be incorporated into the annexation petition. He distributed a confidential memorandum for Board consideration and asked that any comments be returned to Staff to allow him the opportunity to address them with with the developer. The ODP is also a part of the annexation agreement, and while not complete, it is available for review. He asked that Board members have their comments back to him within the next two weeks. Planner Reed noted when this item comes back to the Board on April 22, 2003, it will be possible to determine when we will have the actual public hearing.

Attorney Fickel distributed copies of the confidential documents for Board review. Planner Reed noted this will give staff additional time to review and absorb the information we have received.

With no objections, the public hearing was continued.

SET PUBLIC HEARING – WILSON RANCH REZONE

Planner Reed noted it is not necessary to set the public hearing for the Wilson Ranch Rezone at this time.

PUBLIC HEARING – SIMPSON ANNEXATION **PUBLIC HEARING – SIMPSON REZONE AND OVERALL DEVELOPMENT** **PLAN**

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Mayor Karspeck opened the public hearing. Planner Reed asked to combine the three items which address the Simpson Annexation, Rezone and Overall Development Plan and Annexation Agreement within one hearing. Board members agreed, as long as each item is approved separately.

Planner Reed thanked the applicant for their patience as the Town addressed publication issues which were beyond our control. He summarized the information presented, noting Staff supports the annexation and development of this property.

Todd Hodges of Todd Hodges Design in Loveland, Colorado described the project, noting their plans are compatible with the land use plan for the I-25 area. He noted their plan includes low density residential and a good use of open space and would be a good example for future development in this area.

Trustee Patrick noted the parcel currently being considered has 9 residential lots with zoning of PUD. The applicant agreed that the Town has not committed to anything other than the nine lots.

Trustee Buckingham asked if they have gone through abstracts for the remaining portion. Mr. Hodges noted extensive presentations were done previously, but the only items being considered this evening are for the nine lots in Parcel 3. Planner Reed noted this property is divided into three parcels and while we are annexing the entire 80.53 acres, we are only looking at approval for the ODP for Parcel 3. Parcels 1 and 2 will be considered for development at a later date.

Trustee Buckingham asked who will deliver water to the property. Planner Reed noted the water will be provided by the Little Thompson Water District. The Town will buy the water, and then bill the water to the individual owners, with a surcharge.

Mayor Karspeck asked how this property fits into the land use plan. Planner Reed noted one concern discussed at the Planning and Zoning Commission was acting on this application prior to adoption of the land use plan. He noted this plan blends well with the land use plan for the area. It includes medium density residential, includes more open space than required and will provide a buffer from the I-25 Corridor. Planner Reed noted that Mead has also annexed the area to the south of this development, and they are also providing a buffer.

Mayor Karspeck asked if the trail through this property will connect with others in the area. Planner Reed noted the plan is to connect the trail system through all the developments in the area.

Trustee Buckingham asked about the size of the buffer between Mead and Berthoud. Planner Reed noted the total buffer should be about 75'. Mead has not finalized their

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plans for the area, and the Mayor of Mead did recommend an IGA between the two towns to further clarify the requirements.

Trustee Thorstensen noted since sewer is not in the area, the residents of this development will be on septic until such time as sewer is available. He asked if they will be allowed to include the cost of the fees and dedications in the cost of the homes at the time they are built. Planner Reed noted there is no mechanism in place to allow for fees to be paid prior to the purchase of services. He noted it is in the development plan that residents will be required to pay fees to connect to the sewer system when it is available.

Trustee Buckingham questioned whether it is smarter to tear up the roads in the future, or to go ahead and put the sewer lines in when the roads are built initially. Todd Hodges noted this was discussed at length at the Planning Commission, and they will be looking at this prior to the finalized plans.

Jim Simpson addressed the board, noting they are unable to make plans for the sewer connection, because at this time, they do not know where the line will be. Once the location of the line is determined, they may be able to look at putting the infrastructure in. He noted it would be better for them if they were able to go ahead and put the infrastructure in prior to completing roads and building houses in the area. Mayor Karspeck noted the cost of the connection will be the responsibility of the property owners and the developer.

Trustee Patrick asked when the property owners will be required to go on Town sewer. Planner Reed noted this will be required when sewer is available within 400 feet of each lot or within 400 feet of the 80 acre property. Trustee Patrick noted the location of the line could affect when the properties are within 400 feet. Planner Reed noted that is what makes it difficult to install the sewer connection. Until a utility study is done to determine where the trunk line will be placed, the developer has no way to know where this connection will be.

Mayor Karspeck suggested we include a deed restriction on each property. Planner Reed noted this requirement is included in the development agreement.

Trustee Gregg noted since this will have a significant financial impact on the owners of the property, we should give them 90 or 180 days to allow them to make the connection. Planner Reed felt that would be appropriate. Trustee Gregg also expressed concern that the individual lot owners will be responsible for financing that connection. Even though the homeowners are told up front, this will put the Town in the role of collection agency to collect the cost from the individuals. He asked if the tap fees could be collected at the current rate when the certificate of occupancy is issued. If that could be done, it could be included in the mortgage on the property. Planner Reed noted we do not have a mechanism in place to collect the fees up front.

Trustee Buckingham was in favor of allowing a grace period of a year to tie into the system.

Trustee Patrick expressed concern that we will not be adequately compensated for the cost to provide the service if we collected fees prior to the actual connection. There is always the possibility it could be several years before sewer is available in the area, and the tap fees could be significantly higher at that time.

Mayor Karspeck opened for public comment.

Tom Jones of 621 4th Street suggested the area could be put on a regional septic system off of one leach field. That would simplify the connection to the sewer system when it is available in the area. The connections from the houses to the main line would already be in place, connected to a septic tank. When the sewer line is available, it could be connected to the lines already in place. That would prevent roads and yards from being torn up when the sewer comes to the area.

Attorney Fickel summarized the proposed resolution.

Trustee Thorstensen moved to approve Resolution 9-03, the findings of fact and conclusions based thereon with respect to the annexation of the Simpson Annexation. Second by Trustee Patrick. All members voted YES.

Trustee Buckingham moved to approve Ordinance 963, approving the annexation and zoning of land to the Town of Berthoud designated as the Simpson Annexation and approving the change in zoning to T-Transitional. Second by Trustee Thorstensen. All members voted YES.

Planner Reed summarized the conditions recommended by the Planning and Zoning Commission and noted the applicant is willing to accept these conditions as presented. Planner Reed suggested the condition to allow the 180 days window for connection added. Attorney Fickel noted this can be addressed as a condition for approval, or can be handled as a part of the development agreement.

Trustee Buckingham suggested we allow one year. Trustee Gregg agreed, and noted if you are going to make the individual homeowners responsible for the tap fee, the longer you allow the better.

Mayor Karspeck opened the floor for public comments regarding the ODP and rezoning. There were no comments, so he returned the item to the Board for discussion.

Mayor Karspeck read the proposed ordinance.

Trustee Buckingham moved to approve the rezoning of the subject property from T-Transitional to PUD (Planned Unit Development) and the ODP for Parcel 3, as generally depicted on the ODP for the Simpson property, with the addition of a one year grace period for property owners to connect to the Town of Berthoud sewer system. Second by Trustee Thorstensen. All members voted YES.

Following discussion, it was determined that no further action is required regarding the Simpson Annexation Agreement.

REPORTS

Trustee Thorstensen expressed concern that our water tastes musty. He encouraged the Town to keep a close watch on our water supply to prevent the problems we had last year.

Mayor Karspeck announced that Berthoud High School is having a blood drive on Thursday. Anyone interested in donating blood should contact the High School for further information.

Administrator White reported that due to the number of projects currently ongoing for the Town, we interviewed several firms to help with the planning process. Several criteria were considered, including in-house expertise, point of contact relationship, adequate personnel levels, ability to complete reviews on time, and a willingness to meet with clients here. Staff selected The Engineering Company in Fort Collins and the cost of this service will be billed to the developments involved, and not paid by the Town.

Administrator White noted clean-up day is schedule for May 17, 2003, and we will also be offering services from Larimer County Hazmat. The clean-up is scheduled between 9:00 a.m. and 2:00 p.m. We are in the process of requesting bids for the day, and hope to have this process completed by April 14, 2003. At that time, we will work with the provider to develop a plan for the day.

Administrator White noted he will be leaving tomorrow to attend an Economic Development Regional Conference in Estes Park.

Administrator White reminded the Board that the CML annual conference will be held in Pueblo this year, and participation is encouraged. Any interested Board members should contact our offices. Town Clerk Cowdin will include information regarding the conference in this week's packets.

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Administrator White noted he was advised by the Police Chief that Turner Middle School is sponsoring a 5K fun run. This race is scheduled for May 3, 2003, and the Police Department and Street Department will be helping with the run.

Administrator White reported that the playground renovation at Ivy Stockwell is nearing completion. The renovation was funded by a GOCO grant for \$20,000, and the only items remaining to be done are the ADA ramp and railings. .

Administrator White noted he was given authorization to proceed with a water purchase at the last meeting. He contacted the individual who made the offer and there was no response.

Mayor Karspeck noted the Board needs to adjourn to an Executive Session to discuss water acquisition and the wastewater plant engineering and contract. The Board will adjourn from that session. With no objections, the Board adjourned to an Executive Session at 9:37 p.m.

Reconvene: 10:30 p.m.

With no further business, meeting adjourned at 10:30 p.m.

Milan Karspeck, Mayor

Charlene Reed, Deputy Town Clerk