

The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, August 12, 2003, in the Board Room of Town Hall. Mayor Milan Mayor Karspeck called the meeting to order at 7:30 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck  
Mayor Pro-Tem Jenny Foote  
Trustee Don Ashcraft  
Trustee David Gregg  
Trustee Peder Thorstensen

MEMBERS ABSENT Trustee Michael Patrick  
Trustee Glen Buckingham

STAFF PRESENT: Administrator Jim White  
Town Clerk Mary Cowdin  
Town Attorney Bruce Fickel  
Planning Director, Wayne Reed  
Planning & Building Tech, Sue Bowles

### **CITIZEN PARTICIPATION**

Ralph Nelson 1121 4<sup>th</sup> St. spoke to the Board of Trustees regarding the outbreak of West Nile Virus in Larimer County. He has had two phone calls asking what the Town is doing as far as spraying or other precautions they are taking. He understands that Larimer County has the largest outbreak with 60 cases and 6 deaths, and Loveland has most of the cases with 15. Loveland is 6 miles from us and we have a lot of seniors here. He would like to have the board explain what it expects to do in the way of spraying.

Karspeck noted that Administrator White has been doing some research and will give a report during staff reports.

David Latch - 704 Welch Avenue thanked the police department and the fire chief for increased patrols, and noted that the problems have decreased. He wanted to go on record with his thanks.

Twila Brown, owner of the townhomes at 1602 4<sup>th</sup> St. noted her concerns about the water rates. She has 31 families living in the townhomes and the bill jumped from \$208 to \$2,756. She asked that the board consider revising the rates or give help to commercial properties that are servicing families. When you have 3 acres, it's difficult. We can't afford a \$3,000 water bill every month.

Karspeck asked what caused the increase.

Brown said watering, laundry and all of the other things 31 families do. The rates have almost tripled. She asked that the Board consider some relief, and noted that Loveland has dropped its rates.

Karspeck explained that the Board is considering dropping the rates, but not dramatically. With our bond indebtedness, we have to be careful that we don't reduce rates until we know we can cover the bond. We are waiting for July numbers, and then will be looking at the rates again.

In response to Ralph Nelson's question on what is being done for West Nile Virus, White reported that Larimer County sent some information on ways to help prevent the spread. They suggested using larvaecide to kill the mosquitoes before they hatch. They also suggested reducing stagnant water. Staff has looked at those issues. The cost of spraying is prohibitive, and the lasting effect is brief. He noted that insect repellent was provided for the movies. No formal plan has been adopted. Staff is working with Larimer County to see if we can collaborate with them. In the meantime, the most effective prevention is to utilize insect repellent, wear long sleeve shirts and long pants when going outside after dark, or stay in the house. The health department suggests using pesticide spray. They encourage large evening events to offer repellents through the rest of mosquito season. The epidemic has accelerated at a rapid rate. The Board could address this issue and direct staff.

Ashcraft reported that being in the lawn care profession and having an employee that has West Nile Virus, he has looked at this issue quite heavily. Mosquitos have to be on the wing for spraying to be effective. Larvacide affects in the low single digits. The strongest advice is for individuals to use repellents containing Deet, stay indoors, wear long sleeves and long pants. It's difficult for people who work outside.

### **REPORTS**

White reported that the Town of Berthoud was mentioned in the CML newsletter as Tree City USA, and that we received a Growth Award for progress in forestry.

In another article in the CML newsletter, Berthoud's Town Clerk, Mary Cowdin was recognized for reaching a milestone by serving Berthoud for 20 years, with 10 of those years serving as Town Clerk. White noted that there are plans in the works to have a celebration in the Fall.

White reported that Joe Gunther has been chosen as the new Executive Director for the Library. Joe will come to a future meeting to be introduced.

White informed the Board that the Public Works Director has been out of the office for several weeks. In the interim we have had a lapse in attention to detail. The Town's utility consultant, J.L. Walter has graciously agreed to fill in on an interim basis

Mayor Karspeck thanked J.L. for helping us out.

Administrator White reported that he had received an email from Larimer County regarding the recycling center at 3<sup>rd</sup> Street and Mountain Avenue. There have been problems with the types of items being put in the recycle bins.

### **CONSENT AGENDA**

The Consent Agenda consists of the Minutes of the meeting of July 22, 2003, Bills Allowed for July 2003, and Liquor License renewals for the Savoy Restaurant and Log Cabin Liquor.

Trustee Foote moved to approve the Consent Agenda. Second by Trustee Gregg. All members voted YES.

### **TRANSFER OF OWNERSHIP AND LIQUOR LICENSE FOR PIZZA HUT**

Cowdin reported that Mountain View Pizza LLC will be taking over the application for the liquor license for Pizza Hut. The paperwork has been filed and is in order. Staff recommends approval.

Allan Dill, the attorney representing Mountain View Pizza LLC addressed the Board. Mr. Dill explained that the McCoy Family has 150 units. It will be business as usual except they will be putting in more money. He noted that liquor provides less than 2% in sales, and there is a 2 beer limit. The entire chain has a flawless record.

Ashcraft moved to approve the request for transfer of the 3.2% retail beer on premises liquor license for Pizza Hut located at 821 Mountain Ave., Berthoud, Colorado. Second by Gregg. All members voted YES.

### **PUBLIC HEARING – VILLAGES AT MATTHEWS FARM AMENDMENT TO FDP**

Wayne Reed addressed the Board, reporting that Ron McCrimmon, owner of the lots at the Villages at Matthews Farm is requesting an amendment to the side setbacks for the development. The FDP established 10 ft side yard setbacks, and Mr. McCrimmon would like to change to the standard setbacks for the R-1 zoning district.

In response to Trustee Ashcraft's request for a definition of a side yard width, Reed explained it is the unobstructed yard between the side of the house and the property line.

Foote asked if the requested setbacks would pose a building code problem.

Wayne said no, the building official had Okayed the setbacks, and they are the setbacks allowed in the Town of Berthoud Development Code.

Mayor Karspeck opened the Public Hearing.

Ralph Walsh, 1020 Meadowlark Drive asked for clarification. Does this mean there will be 10 feet between structures? Walsh said that strikes him as being narrow, and asked if these setbacks were common with other developments in Berthoud.

Reed explained that these are standard setbacks for R-1 zoning districts. This change to the code was fairly recent. The setbacks use to be one foot for every two and a half feet of building height. Those setbacks were too restrictive, so these setbacks were adopted.

Ron McCrimmon addressed the Board and explained that this amendment was at the request of the designer. If you build a 2-story house with large setbacks, you get tall narrow houses.

Wayne noted that this development has a diverse level of density. Allowing these side yard widths will allow diversity in the architectural character. Reed feels confident this will improve the development.

Karspeck closed the Public Hearing and brought the matter back to the Board for discussion.

Gregg moved to recommend approval of the amendment to the P.U.D. for the Matthews Farm Village to allow minimum side yard widths of five (5) feet for one (1) story dwellings, accessory structures and other building uses that do not exceed twenty-two (22) feet in building height and seven feet six inches (7-6) for dwellings, accessory structures and other building uses that exceed twenty-two feet in building height.

Second by Foote. All members voted YES.

### **LETA RESOLUION**

Administrator White explained that this is an annual housekeeping item. The current charge for this service is \$.45 and the proposed resolution will keep the charge at \$.45. White explained that this service provides assistance to the Town, and urged that we complete this housekeeping.

Ashcraft moved to approve Resolution 13-03. Second by Thorstensen. All members voted YES.

### **REPORTS**

Administrator White thanked the boy scouts who attended tonight's meeting, and informed them that in the future, they are welcome to help with the flag ceremony.

Administrator White asked if all board members had received copies of the GOCO Grant proposal. He complimented planning staff for their hard work. This is a very good rendition of what a grant application should be, and hopefully will result in a grant.

### **EXECUTIVE SESSION**

The Board of Trustee adjourned to an executive session for negotiations related to Berthoud Area Transportation.

Adjourned to executive session 8:10 p.m.

Meeting adjourned 8:40 p.m.

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Mayor – Milan Karspeck

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Deputy Town Clerk, Charlene Reed