

TOWN OF BERTHOUD
REGULAR MEETING
TUESDAY, FEBRUARY 25, 2003
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, February 25, 2003, in the Board Room of Town Hall. Mayor Milan Karspeck called the meeting to order at 7:30 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Trustee Don Ashcraft
Trustee Glen Buckingham
Trustee David Gregg
Trustee Michael Patrick
Trustee Peder Thorstensen (arrived 7:35 p.m.)

MEMBERS ABSENT: Mayor Pro-Tem Jenny Foote

STAFF PRESENT: Town Administrator Jim White
Building Official Patrick Buckley
Planner Wayne Reed
Attorney Bruce Fickel
Town Clerk Mary Cowdin
Deputy Town Clerk Charlene Reed

PLEDGE OF ALEGIANCE

Mayor Karspeck led the pledge of allegiance.

Trustee Thorstensen arrived 7:35 p.m.

CITIZENS PARTICIPATION

There were no items presented for consideration under citizen participation.

CONSENT AGENDA

The consent agenda consisted of 5a., the minutes of the regular meeting held on February 11, 2003, and 5b., the financial statement for January 2003.

Trustee Buckingham moved to approve the Consent Agenda as presented. Second by Trustee Patrick. All members voted YES.

SET PUBLIC HEARING – 2002 NATIONAL ELECTRIC CODE

Building Official Patrick Buckley addressed the Board regarding the proposed adoption of the 2002 National Electric Code. He noted the date to adopt the code needs to be

changed to set the public hearing for March 25, 2003 to allow for appropriate publication. This item will be presented at the Board Study Session on March 4, 2003.

Board members asked Building Inspector Buckley what the Town will gain from adopting this code. Mr. Buckley noted this change allows us to provide appropriate, local regulation pertaining to safe electrical installation in all buildings and structures within the Town, will allow us to provide amendment to the provisions where deemed necessary, and allows us to provide administrative provisions including rules for permit application, permit issuance, plan submittals, suspension and/or revocation of permits, investigation fees, fee refunds and violations and penalties.

Mayor Karspeck read the title of the proposed ordinance.

Trustee Buckingham moved to set a public hearing for the adoption of the 2002 National Electrical Code© for the regular Board of Trustees Meeting scheduled for March 25, 2003. Second by Trustee Thorstensen. All members voted YES.

PUBLIC HEARING – ESTATES AT MATTHEWS FARM
FINAL PLAN AND REPLAT

Mayor Karspeck opened the public hearing. Planner Reed summarized the information presented and advised the Board that the applicant is requesting that the public hearing be continued until March 25. He advised the Board of minor corrections to the Staff report involving the number of permits guaranteed for this subdivision.

Mayor Karspeck asked reason for delay. The attorney for the project, Cameron Grant, addressed the Board, noting the reason for the delay relates to their request that the Board allow them to come back with an alternate plan for the buffer. The proposal for the buffer is not complete and they want to come before the Board with a concrete proposal.

With no objections, this item was continued until March 25.

SET PUBLIC HEARING – ESTATES AT MATHEWS FARM
500' HIGHWAY BUFFER

Planner Reed noted M & K Investments is requesting the Town consider an alternative approach to achieving the required five hundred foot (500') buffer along the west side of the future Highway 287 Bypass. This proposed ordinance would exempt the subject development from being required to provide the highway buffer.

Mayor Karspeck read the proposed ordinance.

Trustee Gregg moved to set the public hearing to amend Ordinance 864 for the Village at Matthews Farm for March 11, 2003. Second by Trustee Thorstensen. All members voted YES.

I-25 SUB-AREA MASTER PLAN – VISION AND GOALS

Planner Reed presented a summary of the information presented regarding the Vision and Goals of the I-25 Sub-Area Master Plan, as recommended by the Planning and Zoning Commission. Under statute, the Planning and Zoning Commission has the responsibility to develop and adopt master plans. In coming to the Board, the Planning and Zoning Commission hope to develop a plan that will represent the vision and goals of both the Board of Trustees and the Planning and Zoning Commission.

Trustee Gregg complemented the Planning and Zoning Commission and Planner Reed on the efforts they made to develop this proposed plan.

Board members discussed the vision and requested, requesting clarification of some of the terms used and suggesting minor changes to the wording of the vision.

Planner Reed noted he will take the proposed changes back to the Planning and Zoning Commission. He noted the next step in this process is to develop a land use plan that reflects these goals.

Board members reiterated that the goal is to have a quality development at I-25 that is an extension of the current Town of Berthoud.

Trustee Buckingham moved to approve the I-25 Sub-Area Master Plan. Second by Trustee Gregg. All members voted YES.

**RESOLUTION TO ACCEPT ANNEXATION PETITION
AND SET PUBLIC HEARING FOR WILSON RANCH**

Planner Reed noted the purpose of this item is to accept the Wilson Ranch Annexation Petition and set the public hearing for the annexation. He noted the applicant is requesting a waiver of the annexation fees, which were paid when this was originally submitted to the Town, and never refunded.

Attorney Fickel advised the Board that he has reviewed the annexation requirements, noting this property meets these requirements. He recommended the Board go ahead and accept the petition. Subsequent issues can be addressed when the Board considers the annexation.

Board members asked Planner Reed if he has reviewed the annexation petition. Planner Reed confirmed that he has reviewed the document.

Mayor Karspeck read the proposed Resolution 3-03.

Trustee Gregg moved to accept the Wilson Ranch Annexation Petition and to set a public hearing on April 8, 2003. Second by Thorstensen.

Board members discussed the request to waive the fees for annexation, and noted if this fee was already paid when this property was annexed to the Town, there is no reason to collect it again.

Attorney Fickel noted that at this time the Board position is that this property is already a part of the Town. There is a court decree in place that detaches this property from the Town, but that is being appealed. Therefore, it is the Town's position that this property has already been annexed, so it is not necessary to collect any fees that have already been collected.

Trustee Patrick moved that the Town Administrator be authorized to accept this annexation petition without payment of the current annexation fee, with the understanding that fees paid during the original annexation and not refunded will not be collected again. Second by Buckingham. All members voted YES.

Troy McWhinney of the McWhinney Property Group addressed the Board noting they are also requesting waiver of some fees that were not previously collected. He noted the Board has stated that one of their goals is to develop an aggressive business development posture for the area. He pointed out that one way to encourage other landowners and developers to be a part of the Town of Berthoud is to make it easy for them to come to Berthoud. Waiver of fees is more a statement of support to the development of the area, rather than a specific dollar amount.

RE-SET PUBLIC HEARING – SIMPSON ANNEXATION

Planner Reed noted the purpose of this agenda item is to rescind Resolution 2-03 and reaccept the Simpson annexation petition and set a public hearing for the annexation. Once again, the Berthoud Recorder has failed to publish this annexation for four consecutive weeks.

Administrator White noted this issue was addressed today with Jim Wood, the publisher of the newspaper. Mr. Wood acknowledged the seriousness of our concern. It was noted that the Berthoud Recorder has been the newspaper of record for the Town for over 30 years. Regardless of that prior relations, it was made clear that further incidents of this nature will not be acceptable. There will be no charge for the items that were published

regarding this annexation, since they failed to meet the minimum requirements for publication.

Administrator White noted that if we have a recurrence, staff recommends that we consider another source for our legal publication. He noted we will be contacting the applicant and advising them of this occurrence.

Mayor Karspeck moved to rescind Resolution 2-03 and reaccept the Simpson Annexation Petition and to set a public hearing for April 8, 2003. Second by Trustee Thorstensen. All members voted YES.

**SET PUBLIC HEARING – ADEQUATE PUBLIC
FACILITIES ORDINANCE**

Planner Reed noted the purpose of this item is to set the Public Hearing for the Adequate Public Facilities Ordinance.

Trustee Patrick moved to set public hearing for March 25, 2003. Second by Ashcraft. All members voted YES.

**SET PUBLIC HEARING – RESIDENTIAL ALLOCATION
SYSTEM ORDINANCE**

Planner Reed presented the draft of the proposed ordinance establishing a building permit allocation system.

Trustee Gregg noted one change that should be made in the proposed ordinance is to Section 6, sub-section 6.2, item e, suggesting we might not want to refer to a specific entity. Trustee Patrick noted affordable housing was to have been addressed specifically at a later date.

Trustee Buckingham moved to set a public hearing for the residential allocation system ordinance for March 25, 2003. Second by Trustee Patrick. All members voted YES.

Mayor Karspeck requested a break to look at the schedule for public hearings.

Break 8:55 p.m.

Reconvene: 9:12 p.m.

287/56 ROUNDABOUT UPDATE

Mayor Karspeck noted two years ago a study was done on ways to improve the 287/56 intersection, and at that time, the Board felt the best solution would be to build a

roundabout at that intersection. We have funds available from the North Front Range Metropolitan Planning Organization, and have been advised by CDOT that we need to use these funds or lose them. The Town Board needs to make a decision regarding whether we are going to go forward with this project.

Planner Reed introduced Chris Scheffer from Felsburg, Holt and Ullevig who presented the history of the proposal for a roundabout for Berthoud. Extensive discussion followed regarding alternatives for the project.

Mayor Karspeck agreed the Town needs to make a decision, but noted it may not be the best time to do this due to the number of construction projects already underway in Berthoud. Mr. Scheffer noted benefits from this project may outweigh the difficulties that might occur if we go forward at this time.

Board members requested information regarding how long a project of this type would take. Administrator White noted with the \$200,000 available from the MPO, the Town should have adequate funds available to complete this project. He noted we have bid several projects in recent months, and the outcome of the process has been favorable.

Board members agreed that this intersection is dangerous and that this problem needs to be address. Mayor Karspeck instructed staff to contact CDOT, since it is up to them when they will allow us to improve this intersection and then contact the MPO to see if we can delay funding.

Board members thanked Mr. Scheffer for his presentation.

RESOLUTION - GOCO GRANT - IVY STOCKWELL PLAYGROUND

Administrator White announced that on our third try, the Town of Berthoud and Ivy Stockwell Elementary School achieved success in our joint application for a Great Outdoors Colorado (GOCO) grant to renovate the playground at the school. We were awarded \$20,000. This resolution is required by GOCO prior to its formalization of funding for this grant.

Board members requested two revisions to the ordinance. Item #1 will state that Ivy Stockwell Elementary will maintain the playground equipment and item #3 will be amended to state that public access and use is assured.

Mayor Karspeck read the proposed resolution.

Trustee Buckingham moved to approve the Resolution 5-03 as modified. Second by Trustee Thorstensen. All members voted YES.

RESOLUTION REGARDING LOSS CONTROL PROGRAM

Administrator White noted our current insurance carrier, CIRSA, is requiring that we implement an aggressive loss control program. The purpose of this resolution is to provide Board encouragement and support for this program.

Mayor Karspeck read the proposed resolution.

Trustee Gregg moved to approve Resolution 6-03, a resolution encouraging and supporting the development of an aggressive loss control program for the Town of Berthoud. Second by Trustee Thorstensen. All members voted YES.

REPORTS

Trustee Buckingham reported that the next meeting of the Historic Preservation Committee is scheduled for March 26, 2003. All Board members and the public are welcome to attend.

Mayor Karspeck reported on several meetings. A meeting was held with the MPO on Thursday to present the I-25 Land Use Plan, and to solicit their input on the transportation segment of the plan.

There was a meeting of wi-com users on Friday evening. The Town has internet service from wi-com, and they have been having problems that affected service. There is a lot of support for new management and there is a person who has done wireless in Scottsbluff, Nebraska who would like to pursue buying the system. It would be advantageous for the Town since there is no cost for this service for the Town at this time.

On Saturday, there was a Handy Ditch shareholders meeting. This meeting was well attended. The major issue was the increase in the assessment for 2003 to \$180 per share. Shareholders were advised that the water availability outlook is grim. There is no stored water, unless we have significant moisture this spring.

The Northern Water Conservancy District has developed guidelines for water management for trees and turf. That information will be presented to the Board during the Study Session next week. They have also done extensive research regarding what type grasses to use and how to manage the water we do have available.

Administrator White distributed a newly developed Budget Variance report for the Board. Board members suggested minor revision to the report.

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Administrator White reported that the Hoffmeister Conservation Easement is scheduled to close on Thursday at 1:00 p.m. This was to have closed last year, but there were tax advantages to the owner provided they wait until 2003 to complete this transaction.

In response to last years water issues, the Town ordered brochures on water conservation from the American Water Association. We will be putting information on the cable to let residents of Berthoud know the information is available.

Administrator White announced that the Berthoud Land Conservation dinner is scheduled for Wednesday, March 5, 2003 at 6:30 p.m. and asked any Board members that plan to attend confirm their reservations by tomorrow.

Administrator White noted that SEMA continues to provide us with updates on the status of their project and he will bring anything of note to the Board.

Administrator White met with a representative of R2J to discuss the Intergovernmental Agreement with Berthoud Elementary. This agreement will be presented to the Board when it is complete.

Attorney Fickel reported on the negotiations for Ryan Gulch Water.

Attorney Fickel noted he was asked by a Board member to provide an update on e-mail and public records and noted he is present and available to discuss specific issues as needed.

Attorney Fickel requested an Executive Session to discuss public records and liability. With no objection, the Board adjourned to an Executive Session at 10:38 p.m.

Adjourned to Executive Session: 10:38 p.m.
Reconvene: 11:00 p.m.

With no further business before the Board, the meeting adjourned at 11:00 p.m.

Milan Karspeck, Mayor

Charlene Reed, Deputy Town Clerk