

TOWN OF BERTHOUD  
BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, JUNE 8, 2004  
Page 1 of 6

The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, June 8, 2004 in the Board Room of Town Hall. Mayor Milan Karspeck called the meeting to order at 7:04 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck  
Trustee Glen Buckingham (arrived 7:07 p.m.)  
Trustee Louis Gervasi  
Trustee David Gregg  
Trustee Michael Patrick  
Trustee Peder Thorstensen

MEMBERS ABSENT: Mayor Pro-Tem Don Ashcraft

STAFF PRESENT: Administrator Jim White  
Town Clerk Mary Cowdin  
Town Planner Wayne Reed  
Intern Cynthia LaCourse-Blum  
Town Attorney Bruce Fickel  
Deputy Town Clerk Charlene Reed

**PLEDGE OF ALLEGIANCE**

Mayor Karspeck led the pledge of allegiance.

**CITIZEN PARTICIPATION**

There were no topics from the audience.

**REPORTS**

Trustee Thorstensen announced that a group in the community is working to raise money to xeriscape the triangle and paint the Town's entry signs. They have received \$670 so far, and will continue to try to raise money for this project. Anyone interested in participating can send the money to Town Hall, earmarked for this project.

**Trustee Buckingham arrived at 7:07 p.m.**

Mayor Karspeck noted that John Daggett of the MPO has been trying to meet with each of the Trustees individually. He asked that those who have not had the opportunity to meet with John, call Kay Wood at the MPO or contact Jim White and we will get a meeting scheduled.

Administrator White distributed a copy of the schedule for the Main Street review which is planned for Thursday, June 10, 2004. The Colorado Community Revitalization Association will be doing the review, and he encouraged Board members to participate if time permits.

Administrator White reported that we had a successful Berthoud Day, and presented information about other "June in Berthoud" events. He reported on the new Art in the Park which was unveiled during the weekend. The Town has two new statues which are on loan to BAHA for a year, Tally Ho and Got Gnus? Old Gold Tooth, a statue donated to the Town by Doc Fickel was also unveiled on Sunday.

Planner Reed reported on the progress made on the PORT survey. He distributed copies of the survey that will be distributed in the next 7-10 days.

Mayor Karspeck noted the Planning Department had a booth at Berthoud Day. Planner Reed agreed, noting their purpose in the booth was to promote the PORT process. They had an opportunity to talk with many residents of Berthoud, and distributed more than 500 flyers about the survey. He felt this was very beneficial, and noted the intent is to do this on an annual basis.

Administrator White announced that the Berthoud Blues Vintage Baseball Team won their first home game in Berthoud on Saturday.

### **CONSENT AGENDA**

The Consent Agenda consisted of 6a., the minutes of the regular meeting of May 25, 2004 and the special meeting held on June 1, 2004 and 6b., the bills allowed for May, 2004.

**Trustee Buckingham moved to approve the consent agenda as submitted. Second by Trustee Thorstensen. With no objection and by unanimous consent, the consent agenda was approved.**

### **CITIZEN ADVISORY COMMITTEE – BERTHOUD MASTER PLAN**

Intern LaCourse-Blum presented a list of applicants to the Community Advisory Committee to update the Town of Berthoud's 2001 Land Use Plan and the 1992 Comprehensive Plan. The applicants are Wally Grant, David P. Lamb, Larry Smith, Karen Stockley, Ken Weibel, JoLinda Wilson, Stelios Androulidakis, Eric Berg, John Goreski and JoLinda Wilson. She described the applicants and explained their fields of interest, noting that staff is recommending the applicants be appointed to serve on the Committee. She explained that we will continue to collect applications, and will be presenting further applications at the meeting on June 29<sup>th</sup>, 2004.

Trustee Patrick noted this group of individuals is made up predominately of non-Berthoud residents, with only two of the proposed members residing in Berthoud. He expressed concern that the remainder of the applicants are landowners who have a financial interest in this process.

Planner Reed noted during the development of the Master Plan for the I-25 area, the Board indicated that they wanted input from the landowners in the area. He agreed that residents of Berthoud need to be represented on the Committee, and noted staff has not limited participation to two Berthoud residents.

Trustee Patrick agreed that it is important to have the landowners involved in this process because we want to develop a plan that will benefit both the landowners and the Town. He suggested it is important to have a balance on this committee, between residents and non-residents. He noted one way to achieve the balance is to include Board and Commission members in the process.

Trustee Buckingham agreed with the observation and noted in 1992, 66% of the participants were Berthoud residents. He noted he would like to see at least 50% of the members Berthoud residents, but noted one problem we have had in the past is getting Berthoud residents to volunteer for committees.

Trustee Gregg suggested postponing appointments for any members of the Committee until we have had time to get more applications, and then the Board can look at the actual make-up of the Committee. Board members agreed with this recommendation.

Planner Reed agreed that Berthoud residents should serve in the majority of our Committee and Commission positions, and noted they will continue to accept applications and bring all the applications back to the June 29, 2004 meeting. He noted they handed out six applications to Berthoud residents on Berthoud Day and hope some of those will be returned.

Mayor Karspeck noted this plan will have a major impact on how Berthoud develops in the future, and it is important that we have broad participation.

Intern LaCourse-Blum noted applications are available at Town Hall and on the website. She asked that the Board be prepared to appoint a liaison for the Committee when the appointments are made.

**GATEWAY PARK FINAL DEVELOPMENT PLAN AMENDMENT –  
AREA & BULK REGULATIONS**

Planner Reed explained that the applicant for Gateway Park is requesting an amendment to the original, approved final development plan (FDP) to establish comprehensive area and bulk regulations for the development, specifically: a revised front yard setback, a new rear yard setback, and a maximum lot coverage. Because these setbacks were not included in the original FDP, a planned unit development must comply with the standard area and bulk regulations of the most similar straight zoning district. In this case, the single-family portion of the Gateway Park PUD is most similar to the R1 (Single-family) zoning district, which has a minimum 6,600 square foot lot size, a maximum lot coverage of 33%, and a rear yard setback for alley loaded garages of fifteen feet (15'-0").

The applicant is requesting to increase the front yard setback from 13'-6" to fourteen feet (14'-0"), to make the front yard setback consistent with the utility easement. For the 4,000 square foot lot sizes, the applicant is asking the maximum lot coverage be a maximum of fifty percent (50%). Planner Reed noted this would be consistent with the Board's previous action on the Erickson Subdivision, which was approved for 55% lot coverage on small lots.

Planner Reed noted the Planning and Zoning Commission recommended approval of the amendment to the Gateway Park final development plan as requested by the applicant.

Trustee Buckingham noted the reason the Board approved the higher lot coverage for the Erickson subdivision was because this was an important infill parcel and it was acceptable to make the concession on coverage to get the development. That is different than this development which is new and development is just beginning.

Trustee Patrick noted the Town is trying to achieve balance between two different interests. The Town is trying to get affordable housing, and with more houses in the development, the less the cost of the land per house. It is also important that the development fit in with the flavor of the community. With lots of 4000 feet, the developer has created part of the problem from which they now seek relief. He asked Planner Reed for an example where the Board has allowed lots of this size with lot coverage at this percentage.

Planner Reed noted there have been sketch plans which had a mix of housing products on different lot sizes that would have been similar.

Trustee Patrick noted the Board has looked for ways to encourage affordable housing, but this is not an affordable housing issue, this is a size issue.

Planner Reed agreed, but noted one hope with this development was to bring in different lot products. These homes will start be in the \$225,000 price range, and the developer is not saying this is affordable housing.

Trustee Buckingham asked how many dwelling units are affected by this change, and noted we are looking at a significant change in lot coverage when we are going from 33% to 50%. Planner Reed responded that this plan includes 180 homes in the subdivision on a total of 80 acres. He noted approximately half of the 80 acres will be residential and explained the composition of the development.

Trustee Gregg noted that it appears that a mistake was made at the time the FDP was approved. Small, compact lots with high percentage coverage is not uncommon and he cited examples of other developments that can be tastefully done and look nice. To make this subdivision viable, 50% is appropriate for a 4,000 square foot lot.

Robert Revis, representing Gateway Park LLC, addressed the Board, noting he was surprised that this was not taken care of in the original FDP. He felt this should be a matter of clarification, rather than an amendment to the FDP. This was the original intent when the development agreement was passed. He pointed out that they made significant concessions, including a non-potable water system and a large public park that the Town will not have to maintain.

Trustee Buckingham asked if the applicant would be agreeable to finding a mid-range between the 33% and 50%, or if it would be possible to reduce the number of homes and increase the lot sizes to 6,000 square feet for half the lots. Mr. Revis noted the lots are already in place, with utilities and curb and gutter, which eliminates a change of that type as an option. He noted they were also asked to give up four lots to the Town to increase the right-of-way for Meadowlark Drive.

Mayor Karspeck asked if the four lot concession was made after the approval of the FDP, and Mr. Revis agreed.

Trustee Patrick asked Mr. Revis what was planned for these lots when the FDP was approved. This is a significant deviation, and he asked what was intended initially.

Mr. Revis noted one factor which affected the lot coverage involved the utility easements. When the plans were approved, they included utilities in the rear. After they began installing the infrastructure, Xcel moved the utility easements to the front and side yards, which affected the size of the building envelopes. Because of this change, there are approximately ten lots that will have the lot coverage at 50%. The remainder of the lots will have lot coverages of approximately 38-45%.

Trustee Patrick noted an increase from 33% to 40-45% is more palatable than an increase from 33% to 50%. He noted one concern when granting a blanket request of this type is that other developers will expect the same concessions. He noted it is more acceptable to grant this request if we are looking at a specific request to resolve an unforeseen complication. If there is a specific problem, the Board has the ability to grant relief.

Mr. Revis noted because of this change, they will exceed 33% lot coverage on all the lots, but only ten lots will reach the 48-50% coverage. He asked if the Board would like to continue this item and allow him to provide specific information regarding changes in the lots.

Trustee Gregg noted he would rather not see this micro-managed on a lot by lot basis. Failure to include lot coverage in the FDP was an oversight, and it would be appropriate to get this resolved by granting the request.

**Trustee Gregg moved to approve the amendment to the Gateway Park FDP as requested by the applicant, revising the front yard setback from 13'-6" to 14'-0", establishing a rear yard setback of 15'-0" for alley loaded garages, and creating a 50% maximum lot coverage. Second by Trustee Thorstensen. Trustees Gregg and Thorstensen voted YES. Mayor Karspeck and Trustees Patrick, Gervasi and Buckingham voted NO. The motion failed.**

**Trustee Patrick moved to continue this topic to the June 22, 2004 regular meeting to allow the applicant the opportunity to provide further information regarding the revisions to the lot sizes. Second by Trustee Buckingham. All members voted YES.**

**ARCHITECTURAL GUIDELINES**

Planner Reed explained that the non-residential architectural guidelines were modified as requested and are presented for adoption.

Karspeck opened the floor for comments from the public.

Steve Bradley, owner of property next to Gateway Park, addressed the Board regarding the changes to Gateway Park. He asked for a plot map regarding what will be put next to his property and asked if his fence will be replaced. Mayor Karspeck suggested he speak directly with developer and Planner Reed arranged for the two individual to meet.

There were no further comments from the audience, and Mayor Karspeck read the title of the proposed resolution.

**Trustee Buckingham moved to approve Resolution 8-04, adopting non-residential guidelines. Second by Trustee Thorstensen. Mayor Karspeck and Trustees Buckingham, Gregg and Patrick voted YES. Trustees Gervasi and Thorstensen voted NO.**

**DEVELOPMENT AGREEMENT SERENITY RIDGE (JRJ DEV.)**

Attorney Fickel distributed an amended copy of the Serenity Ridge Amendment to the Development Agreement, which was modified based on discussion with the Colorado Department of Health and the Environment. He noted that sewage in the area is currently being handled by a septic system on site. The Department of Health is agreeable to allowing a temporary mini-sewage treatment plant if the Town submits the plan, takes charge of the system and is responsible for the system. The variance approved by Weld County for the use of the septic system for these residences expires on December 31, 2004, and Weld County has not indicated that it will extend the variance. The developer has agreed to advise the occupants that if no sewage treatment is available at that time, they may have to vacate their homes.

This amended document must be reviewed and approved by the Colorado Department of Health. This agreement states that no additional building permits will be issued until the site application has been approved. Up to a total of fourteen building permits may be issued upon the approval of the site application, however certificates of occupancy shall not be issued for such residences until such time as such residences are connected to a wastewater treatment facility approved by the CDPHE.

Attorney Fickel explained that the Developer will be responsible for acquiring the property and for the costs of the construction of the plant. This will be a temporary plant until there is a regional plant built for the area. He explained that the Developer has a letter of credit required by the Development Agreement for this plant.

Trustee Patrick noted the current language at the end of item 6 does not require the developer to decommission the plant unless the cost to the residents is the same. Attorney Fickel agreed, and noted that the Health Department said that as long as the discharge is acceptable the mini-sewage treatment facility can remain in place.

Attorney Fickel asked the Board for approval of this document, which will be forwarded to the Colorado Department of Health and the Environment for approval.

Trustee Buckingham suggested the Board might want the ability to decommission this plant. Mayor Karspeck agreed, noting that once we have a larger plant nearby, it may be economically feasible to require that the plant be decommissioned.

**Trustee Gregg moved to approve the First Amendment to the Serenity Ridge Development Agreement. Second by Trustee Buckingham. All members voted YES.**

**2003 AUDIT APPROVAL**

Administrator White noted that copies of the 2003 audit and audit letter from Anderson & Whitney were reviewed at the June 1, 2004 Study Session, and asked the Board for formal approval.

**Trustee Buckingham moved to approve the 2003 financial audit for the Town of Berthoud, Colorado. Second by Trustee Gervasi. All members voted YES.**

**ADOPT ACTION PLAN**

Administrator White noted Board members reviewed the Primary Goals Action Plan and Project Tracking Sheet. This was not formally adopted during the previous meeting when this was reviewed. He distributed revisions which reflect the progress made on the goals or projects, and asked the Board to adopt the goals with the explanations of the revisions.

Mayor Karspeck read the specific goals for the audience.

Trustee Buckingham asked that item 3a revised, asking for a recommendation centering around sales tax incentive options. Administrator White agreed.

Trustee Buckingham suggested we add an additional item under the 2004 Primary Goal #1, which would be to prepare an economic development plan for the 287 Bypass. Administrator White agreed to the value of having such a document, but suggested that would be a long term goal. The goals included in this document are current goals for the current year. Such a plan cannot be completed by year end, but is planned for the future as part of the modification to the Land Use Plan.

Trustee Buckingham agreed it might be better to look at this once the master planning process is complete.

Trustee Gregg asked if the plan is to address the 2005 Primary Goals as part of the budget process. Administrator White agreed, noting the budget process will begin internally by the end of June, and the first eight weeks are generally for individual department reviews. Once that process is complete, the Finance Committee will get involved in the process. He agreed to bring proposed dates for the budget process to the next regular meeting.

**Trustee Buckingham moved to adopt the 2004 Primary Goals Action Plan with the updates and revisions made since the previous Board review and with the changes recommended. Second by Trustee Thorstensen. With no objection and by unanimous consent, motion carried.**

With no further business, meeting adjourned at 9:30 p.m.

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Mayor Milan Karspeck

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Deputy Town Clerk Charlene Reed