

TOWN OF BERTHOUD  
BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, MARCH 9, 2004  
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, March 9, 2004 in the Board Room of Town Hall. Mayor Milan Karspeck called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck  
Mayor Pro-Tem Jenny Foote  
Trustee Don Ashcraft  
Trustee David Gregg  
Trustee Michael Patrick (Arrived 7:01 p.m.)  
Trustee Peder Thorstensen (arrived 7:05 p.m.)

MEMBERS ABSENT: Trustee Glen Buckingham

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

**PLEDGE OF ALLEGIANCE**

Mayor Karspeck led the pledge of allegiance.

**CITIZEN PARTICIPATION**

Troy McWhinney of McWhinney Enterprises distributed Geomark location marker paperweights to the Board and staff involved in the annexation process for Wilson Ranch, explaining that this is a replica of the actual survey benchmark from the property.

**REPORTS**

Mayor Pro-Tem Foote reported on the committee meeting of the group working on the North I-25 Front Range Environmental Impact Statement. She distributed copies of the newsletter which explains the EIS process, and noted copies are available at Town Hall. Residents are encouraged to submit input to this process, and the newsletter provides information regarding how this can be done.

Mayor Karspeck reported on the MPO meeting held Thursday at the Community Center in Berthoud, noting that this organization is again discussing weighted votes. He asked for additional thoughts from Board members regarding this change.

Mayor Karspeck reported that Joe Kelly will portray Captain Berthoud during a presentation on Friday, April 2, 2004 at the Community Center.

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Administrator White reported that the committee planning June in Berthoud met March 6, 2004, and will meet again April 10, 2004 at noon at the Jumping Bean. This group is coordinating activities for June in Berthoud and has been very productive.

Administrator White noted a presentation is scheduled by the Little Thompson Pioneer Museum regarding the Sand Creek Massacre at 7:00 p.m. on Wednesday, March 10, 2004.

Town Clerk Cowdin reported the deadline for filing petitions for the April 6 election was Friday, March 5, 2003. We have two petitions for Mayor and four petitions for Trustee. The Chamber of Commerce will sponsor a Meet the Candidate night at the Community Center on March 29, 2004 from 7-9 p.m.

Planner Reed reported on the fees for master planning collected as a result of the ordinance passed January 13, 2004. We have collected approximately \$13,000, which is short of the amount needed to begin the master planning process. We are trying to partner with property owners in Berthoud interested in future development. He presented a copy of the draft of a letter asking for participation in this process, asking for Board consideration and input.

Administrator White reported on a meeting this morning at the Wastewater Treatment Plant, with the engineer, contractor and staff, noting that the tentative opening date for the plant has been set for May 1, 2004. Any Trustees interested in touring the facility are encouraged to contact Town Hall.

Attorney Fickel reported on the litigation with Clarkson Land, asking for Board input regarding whether we want to pursue this further. Trustee Patrick pointed out that if he was a competing developer in Town, he would be wondering why we are enforcing this requirement for him and not for Clarkson Land. He noted it is not a good practice to make exceptions or concessions for one developer if we do not intend to make the same exception or concession for everyone. He encouraged Attorney Fickel to keep this process moving forward. Attorney Fickel agreed and noted he will keep the Board apprised of any progress.

### **CONSENT AGENDA**

The consent agenda consisted of the minutes from the regular meeting held on February 24, 2004, the bills allowed for February, 2004 and the financial statement for January 2004.

**Trustee Ashcraft moved to approve the consent agenda as submitted. Second by Trustee Patrick. All members voted YES.**

**PUBLIC HEARING - PEAKVIEW MEADOWS –**  
**AMEND PUD RE: GARAGE SETBACKS**

Mayor Karspeck opened the public hearing. Planner Reed presented the request from the applicant to amend the garage setback of forty feet (40'0") from the front property line on some lots, to be replaced with the Town standard of ten (10'). In addition, the applicant has put forth some architectural standards that would apply to all lots in this subdivision, if this change is approved.

Todd Gabriel of 3H & G Inc. thanked the Board for considering his request, noting that the 40' setback makes it difficult to design homes for these lots. Moving the garage would free up the area behind the garage and would allow for more diversified plans in the area.

Trustee Patrick noted this setback was a part of the original FDP, which was presented and proposed by the applicant and approved by the Town. He asked why this was not considered at that point in the development, noting it is hard to understand how you get all the way to an FDP and then realize you cannot put houses on the lots.

Mr. Gabriel noted they do have some floor plans that fit, but the problem is that they are all similar to other homes. He noted they have received feedback from potential buyers that they would like more options. He explained that with the change, they will have other plans for 1800 square foot ranch homes and 2200 square foot two story homes that will fit on the lots.

Mayor Karspeck opened the floor for public comment.

Mark Ender of 1135 Fogelman Road, Loveland addressed the Board, noting he is one of the builders who purchased two lots in Peakview Meadows in January and February 2003, and has already begun construction on those lots. He asked that the current setback remain in place on the lots facing Turner Avenue.

Ken Davis addressed the Board explaining that he also owns two lots. When these lots were purchased, he realized this was a difficult standard to build to, and he realized that he did not have a home in his existing inventory to fit the lots. He noted when they are ready to build on these lots, they will have to incur additional expenses for planning and that will increase the cost of construction. He noted it would be nice to avoid the additional expense and keep the price of the homes down.

Kevin Miller of 2242 Mariner Drive, Longmont suggested that even with the staggered effect between additional homes in the neighborhood and those that are already complete,

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the appearance of the subdivision can still be pleasing. He pointed out that other developments require the staggered appearance.

Mayor Karspeck returned this to the Board for discussion.

Trustee Gregg suggested the more restrictive the Board gets, the smaller we make the box for the designer and the more similar homes we will get. He felt it would be appropriate to bring this back into compliance with current Town code which allows the dwelling architecture to be in front of the garage door, which should allow for more variety in the plans available.

Trustee Patrick expressed concern that this will allow for significant variations between builders.

Trustee Ashcraft acknowledged the compromises made by this developer and their contribution to changes in the intersection and road improvements. He pointed out that the requested change meets Town code. He asked if the new architectural standards being considered by the Board will apply to this development.

Planner Reed noted that since the PUD has been approved, it would be hard to change the standards already in place for this development. For those projects that have not reached the PUD stage, the Board can apply the standards.

Trustee Ashcraft noted he is pleased that the developer is bringing forward architectural standards for this development. He noted the intent of the current code is to have rear loaded alleyways and to minimize the impact of garages.

Mayor Pro-Tem Foote expressed concern that we are changing the rules and there are homes already under construction under these rules. These rules were put in place and were applicable to the lots that have already been constructed.

Trustee Ashcraft noted with the change in economy, the Town needs to have permit sales to keep fees for citizens down. He suggested this is a minor change, and felt it important to get this development moving.

Trustee Patrick expressed concern because some of the builders have already started construction. He also suggested the architectural standards being proposed are brief. The Board is in the process of developing standards for residential properties, and he asked the developer if he would allow the Town standards to replace these proposed standards when they are adopted.

Mr. Gabriel noted they have no idea what standards the Town is looking to adopt, and the standards they are presenting represent a good faith effort on their part that minimums will be met.

**Trustee Gregg moved to approve an amendment to the approved Peakview Meadows FDP, 1) eliminating the forty foot garage setback, as it applies to certain lots, 2) applying the Town's standard garage setback as set forth in Section 30-15-501 and 3) attaching the proposed architectural standards as a condition of approval. Second by Trustee Ashcraft.**

Trustee Patrick noted he would not be in favor of 75% revisions. He would be in favor if all homes are to be side loaded or recessed. He noted the Board is making substantial changes which are a direct financial benefit to the developer and to the builders. In exchange, we have agreed to accept one page of architectural standards, and he suggested he would be in favor of requiring 100% of the homes in this development meet the standards.

Trustee Gregg agreed and amended his motion to revise the architectural standards, Section 1, Garages, paragraph B to say "All Homes shall be side-loaded, or recessed a minimum of ten feet, behind the forward-most wall plane (including the porch).

**Mayor Karspeck and Trustees Patrick, Thorstensen, Ashcraft and Gregg voted YES. Mayor Pro-Tem Foote voted NO.**

### **ROUNABOUT AT HIGHWAY 287 & HIGHWAY 56 – IGA WITH CDOT**

Public Works Director Bill George addressed the Board regarding the proposed Intergovernmental Agreement between the Town of Berthoud and CDOT for the construction of a roundabout at 287 and Highway 56. He introduced Wendy Turner from CDOT, and Vicki McLane from the North Front Range Metropolitan Planning Organization (MPO) who were present to address the Board and answer any questions or concerns. He explained that the Town has received additional funds for this project, and presented a worksheet that reflected potential costs.

Mayor Karspeck asked Ms. McLane for an overview of a project of this type. She responded that CDOT has worked with the Town to identify funds for this project. The Town received \$200,000 from the MPO and received an additional \$350,000 toward this project, and their intent is to look for additional funds to help with this project.

Public Works Director George noted CDOT has asked that the Board move forward with this project, and has asked for a response by March 31, 2004.

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Trustee Patrick expressed concern that there is such a significant difference between the potential cost of the project and the funds available and asked who would be responsible for the difference. Public Works Director George noted the \$989,500 may be slightly overstated, and he advised the Board that the Town would be obligated to provide the remaining funds. He suggested the actual cost may be somewhere in between the \$650,000 and \$989,500.

Mayor Karspeck noted the Town does have some control over design for the project if we are faced with significant cost overrides. Mayor Karspeck expressed concern that we are unable to more closely estimate our cost for this project and asked Ms. McLane if it is normal for small municipalities to have this problem. She noted it is not uncommon, and pointed out that even Loveland had a similar problem with one of their recent projects. She noted it would be exciting to see this project going forward, and noted her organization is committed to looking for additional funding to help with this project.

**Trustee Ashcraft moved to approve the contract with CDOT. Second by Trustee Patrick. All members voted YES.**

Mayor Karspeck thanked both representatives for their help with this project.

**EXECUTIVE SESSION.**

Mayor Karspeck noted the Board will be adjourning to an Executive Session for negotiations regarding a raw water purchase and personnel issues. With no objection and by unanimous consent, the Board adjourned to Executive Session at 8:30 p.m.

The Board reconvened at 9:30 p.m. and with no further business, adjourned.

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Mayor Milan Karspeck

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Deputy Town Clerk Charlene Reed