

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, NOVEMBER 9, 2004
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, November 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
Trustee Louis Gervasi
Trustee Michael Patrick
Trustee Glen Buckingham
Trustee David Gregg
Trustee Peder Thorstensen

MEMBERS ABSENT: Mayor Pro-Tem Don Ashcraft

STAFF PRESENT: Town Administrator Jim White
Town Clerk Mary Cowdin
Public Works Director Rich Elliott
Town Planner Wayne Reed
Town Attorney Bruce Fickel
Deputy Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the Pledge of Allegiance.

CITIZEN PARTICIPATION

Members of the audience signed up to address the Board regarding the Master Plan Citizen Advisory Committee.

Karen Stockley, 316 Bothan Road addressed the Board asking the Board to reconsider the makeup of the Master Plan/CAC due to inadequate rural representation.

Ira Hooker of 560 East State Highway 56 addressed the Board and asked to be considered to represent residents of Weld County on the Master Plan Citizen Advisory Committee.

Mina Cox of 841 N. CR 19 suggested that the alternates be reconsidered and included on the Committee.

Chris Bolton of 1586 WCR 10E addressed the Board expressing his interest in and background for serving on the Committee, noting he was one of the alternates not included in the Committee. Of the members appointed as rural representatives, only two represent the rural residents in the area, and the other six are actively involved in developing in the area.

Jeff Hindman of 348 Turner Avenue addressed the Board expressed concern that sixteen members are too many, and that interviews were not conducted. He also questioned the lack of participation by individuals who were involved in earlier efforts regarding Smart Growth. He suggested the committee be reconfigured with two developers and two rural representatives and the eight Berthoud residents.

Mayor Karspeck thanked everyone for their input and suggested this item be considered as an agenda item at a future meeting. He suggested that all interested parties attend the first meeting of the Committee which is scheduled for Wednesday, November 10, 2004 at 6:00 at Centennial Bank.

Mr. Hindman noted it is difficult to get into Centennial Bank after hours, and he suggested if this is a public meeting, there needs to be public access. Intern LaCourse-Blum explained that if anyone wants to attend,

they will be checking the door every fifteen minutes and will have the phone number to the meeting room posted for people to call and let them know they are trying to come in.

Trustee Gervasi moved to reconsider this item at the next regular meeting of the Board of Trustees, on December 14, 2004. Second by Trustee Patrick. With no objection, the motion was approved by unanimous consent.

REPORTS

Administrator White advised the Board that staff made application to DOLA for a \$50,000 grant for master planning. We do not have a response at this time, but the meeting went very well.

Administrator White asked for Board volunteers to serve on the Library Interview Committee. Mayor Karspeck and Trustee Thorstensen volunteered to serve.

Administrator White noted the Metropolitan Planning Organization annual meeting is being held in Windsor on Thursday, November 18, 2004 at 6:00 p.m. He asked Board members interested in attending to RSVP by Wednesday, November 10, 2004.

Administrator White asked for a liaison to serve on the Master Planning Citizen Advisory Committee. Trustee Gregg volunteered to serve.

Administrator White introduced the new Public Works Director, Rich Elliott. Board members welcomed Mr. Elliott to Berthoud.

CONSENT AGENDA

The Consent Agenda consisted of the minutes of the regular meeting held on October 12, 2004, the Financial Statement for September 2004, the Bills Allowed for October 2004, and the liquor license renewal for Piccabears.

Trustee Gregg moved to approve the Consent Agenda as submitted. Second by Trustee Gervasi. Trustee Patrick noted his abstention on the liquor license renewal. With no further objections, the Consent Agenda was approved.

RESOLUTION – STATE TAX CREDITS.

Museum Director Vaughan explained that state statute requires that each CLG approve a resolution prior to the beginning of the calendar year agreeing to act as a reviewing entity for the state tax credit projects for that year.

Mayor Karspeck read the proposed resolution.

Trustee Patrick moved to approve resolution 12-04 agreeing to act as a reviewing entity for the State Income tax credit program. Second by Trustee Gervasi. With no objection, the motion passed by unanimous consent.

HABITAT FOR HUMANITY – FEE WAIVER

Planner Reed noted that Habitat for Humanity has requested that the Board consider a waiver of fees for development review of the project, and to allow a utility easement pass into the retention pond and he summarized the information provided regarding this item.

Tom Patterson, 935 10th Street, addressed the Board providing information regarding the Berthoud Habitat for Humanity organization and what they provide for the Town of Berthoud and explained the benefit to the Town if the Board supports this project. He asked the Board for assistance and cooperation to resolve the remaining outstanding issues and allow them to go forward with their project.

Rick Pickard of TEC explained that they were asked to waive their fees, and they have agreed to waive the current fees available. He suggested it is not a good idea to have a utility easement in a detention pond, but noted that the majority of the utilities are already in place and it would probably be acceptable to leave this as is.

Mayor Karspeck suggested the FDP and Final Plat be considered at a public hearing on December 14, 2004.

Trustee Gregg moved to set the public hearing for the Final Plat and Final Development Plan for Habitat for Humanity for the regular meeting on December 14, 2004. Second by Trustee Thorstensen.

Planner Reed noted this needs to be considered by the Planning and Zoning Commission prior to coming before the Board. He suggested it be reviewed by the P & Z at their December meeting and then be returned to the Board in January.

Mayor Karspeck instructed staff to have this reviewed during the Planning and Zoning Commission meeting on December 9, 2004, and then be presented to the Board at the regular meeting on Tuesday, December 14, 2004.

With no objection, the motion passed by unanimous consent.

FAGAN FARM SKETCH PLAN
TRAILS AT SUGAR CREEK

Planner Reed explained that the sketch plan process under the Development Code is intended to represent an informal opportunity for evaluation of a proposed plan before an applicant undertakes detailed planning and engineering work and incurs the substantial expenses associated with those activities. He noted Centex Homes has requested a sketch plan review by the Board of Trustees for a proposed development, referred to as the Trails at Sugar Creek.

Board members reviewed the questions presented and provided input. Board members expressed concern regarding the increase in density for this submittal, with an increase of 50% over the submittal in May, 2004, and it was suggested that the lot sizes may be too small. Concern was expressed regarding the amount of construction traffic that would be generated for a project that receives 12 permits per month. Board members referred the questions regarding the infrastructure and the fees to Planner Reed. Board members expressed concern regarding the potential for transportation problems with the number of houses and residents that would be in this area. It was suggested that the Developer look at the possibility of utilizing a nonpotable system within this development, which is an opportunity to reduce raw water dedication, and possibly extend that system to Berthoud Elementary. It was also suggested that the proposed trail system be included in the PORT Plan.

The Board took a break at 8:35 p.m. and reconvened at 8:45 p.m.

**RESOLUTIONS REGARDING DEVELOPMENT APPLICATION
PROCESSING DURING COMP PLAN PROJECT**

Mayor Karspeck noted the Board of Trustees asked staff to bring options regarding how Development Applications may be treated during the update to the 1992 Comprehensive Plan and the 2001 Land Use Plan

Planner Reed explained the proposed resolutions.

Mayor Karspeck opened the floor for public comment.

Jim Birdsall of the Hillside Group addressed the Board representing the Knievel family. They hope to develop and subdivide the Knievel Farm and would like the opportunity to go forward with this plan during the revision process for the Land Use Plan.

Tony Feist of Feist and Associates addressed the Board representing O'Malley Farm. He noted they have had several submittals before the Board and are now actively negotiating the Development Agreement for this property. He noted they have spent roughly \$150,000 and would like to continue to be able to move forward. He asked that they be included in the list of developments that can go forward during the master planning process.

Mike Burns addressed the Board representing the Trails at Sugar Creek. He noted they have been actively working during 2004 to get this project started. In the past, Berthoud has had a reputation for not wanting growth, and we are now sending a message to the Development Community saying growth is welcome. He noted that allowing the development process to continue will reimburse that message.

Karen Stockley of 316 Bothan Road addressed the Board noting that Berthoud has a functioning Land Use Plan. She agreed that the process should continue, but there should be no variances on questionable properties during this process.

Roger Bates, CPA, President of Chamber of Commerce addressed the Board, noting the Chamber fully supports the comprehensive master planning process, but feel stopping this process has the potential to reduce permit fees and potential to send a message that the Town of Berthoud does not want growth and development. Also have not met our permit needs for the town during the past year and would like to see development continue through this process.

Kathleen Gruman of Green Acres Development addressed the Board, noting that they have been in the process for some time and hope they are on the brink of being able to go forward. They hope to be able to submit a preliminary development plan and preliminary plat, and asked that the Board not limit applications and allow groups that have been in the process go forward.

Quinten Mendenhall addressed regarding the Schell property, asking that they be allowed to start this process.

Bob Thacker addressed the Board representing the business community in Berthoud, noting that we need rooftops to pursue businesses for the Town of Berthoud. He expressed concern that if we slow down the development process, developers will go away.

Michelle Jurs, Executive Director of Berthoud Area Chamber of Commerce addressed the Board, noting that the businesses that are joining the Chamber are from outside Berthoud, because there are not many new businesses in Berthoud. She expressed concern that we are letting our tax dollars go to Loveland and Longmont, instead of aggressively pursuing new businesses for Berthoud.

Brent Lind of 2260 Breckenridge Drive addressed the Board. He noted that the Board of Trustees is obligated to make the best decisions for Berthoud. If you limit the projects that can develop in Berthoud, you may be missing the best projects because they are not already in the system. He suggested the Board let the system continue as it is until the new master plan is completed. He noted if the process stops, there may not be anyone left to continue in the process.

Mayor Karspeck brought back to the Board for discussion.

Board members felt that we have laws and ordinances in place that will allow the process to continue throughout the planning process. It was noted that there are projects that have been before the Board that are not in conflict with the existing land use plan, and there is no reason to delay those projects. It is the Board's job to consider applications and make rulings, and it would be impossible to know what would be possible for Berthoud if the process is stopped. It was also noted that in order to encourage commercial development, the Town must be willing to accept residential development.

Trustee Gregg moved to adopt version B as Resolution 13-04. With no objection, the motion passed by unanimous consent.

SAFeway PRELIMINARY DEVELOPMENT PLAN EXTENSION

Planner Reed explained that Safeway Inc is requesting the Board of Trustees extend for one (1) year the period for which its preliminary plat, and by extension its Preliminary Development Plan (PDP) is valid. Board members agreed it would be appropriate for a one year extension, but expressed a hope that the project will go forward prior to the new deadline since this also delays the other commercial development in the area.

Trustee Patrick moved to approve the one (1) year extension for the Safeway at Berthoud Preliminary Plat. Second by Trustee Gervasi. With no objection, the motion passed by unanimous consent.

SERENITY RIDGE 2ND AMENDMENT TO DEVELOPMENT AGREEMENT

Administrator White explained the changes included in the 2nd Amendment to the development agreement. He noted the Town is working with the Colorado Department of Public Health and the Environment and Weld County to assist them in the continuation of their capacity to provide sewage treatment for their development.

Bill Albrecht of JRJ Land Development noted they have ordered the treatment plant and have final documentation for approval of the Site Application. They have one more permit to obtain, the Discharge Permit, and are over the hurdles.

Attorney Fickel noted representatives from the Town will be meeting with Weld County on November 23, 2004 at 9:00 a.m. to request an extension of the current system until we are able to get the package plant up and running. He noted that the developer will be responsible for the cost involved for the transition from the septic system to the package plant, and then will be responsible for the transition from the package plant to the regional plant when it is up and working at I-25.

Trustee Thorstensen moved to approve the 2nd Amendment to the Serenity Ridge Development Agreement as amended. Second by Trustee Gregg. With no objection, the motion was approved by unanimous consent.

SET PUBLIC HEARING – 2005 BUDGET AND RELATED ORDINANCES

Administrator White noted the Board needs to set the public hearing to consider the 2005 Budget and related Ordinances during the last meeting of December 14, 2004.

Trustee Gregg moved to set a public hearing for the 2005 budget and related ordinances for December 14, 2004. Second by Trustee Thorstensen. With no objection, the motion was approved by unanimous consent.

Administrator White noted a tentative date of December 4, 2004 from 9:00 a.m. to 11:00 a.m. has been set for the Board tour of the new 287 Bypass.

Administrator White noted there will be an open house for the new Wastewater Treatment Plant. We are working to get that scheduled between now and the end of the year and will be providing further information as the plans are made.

EXECUTIVE SESSION

Mayor Karspeck noted the Board will be adjourning to and Executive Session to discuss privileged attorney client issues regarding the Bein SID and franchise issues and will include the Town Clerk. With no objections, the Board adjourned to an Executive Session at 10:13 p.m.

The Board reconvened at 10:35 p.m and adjourned immediately.

Mayor Milan Karspeck

Deputy Clerk Charlene Reed