

The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, October 12, 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 Don Ashcraft  
Trustee Louis Gervasi  
Trustee Michael Patrick  
Trustee David Gregg (Arrived 7:02 p.m.)  
Trustee Glen Buckingham (Arrived 7:04 p.m.)  
Trustee Peder Thorstensen (Arrived 7:05 p.m.)

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

#### **PLEDGE OF ALLEGIANCE**

Mayor Karspeck led the pledge of allegiance.

#### **CITIZEN PARTICIPATION**

There were no items presented by members of the audience.

**Trustee Gregg arrived at 7:02 p.m.**

#### **CONSENT AGENDA**

The Consent Agenda consisted of 6a, the minutes of the regular meeting held on September 28, 2004 and 6b, the Bills Allowed for September 2004.

**Mayor Pro-Tem Ashcraft moved to approve the consent agenda as submitted. Second by Trustee Gervasi. With no objection, the Consent Agenda was approved by unanimous consent.**

#### **REPORTS**

**Trustee Buckingham arrived at 7:04 p.m.**

Administrator White reminded the Board that the 2004 CML District Meeting will be held in Estes Park on Thursday, October 21, 2004. We need to RSVP by tomorrow, Wednesday, October 13, 2004, and any Board members who wish to attend should notify Town Clerk Mary Cowdin.

Administrator White reported that the Town has received a request for a wine tasting from Berthoud Wine and Spirits. According to statute, in order for tastings to be held in Berthoud, the municipality must adopt an ordinance or resolution authorizing tastings. Board members asked Administrator White to distribute information for review prior to making a decision regarding this request.

**Trustee Thorstensen arrived at 7:05 p.m.**

Administrator White reported that he received a letter from Dan Clayton, representing Safeway, requesting a one-year extension on approval of their Preliminary Development Plan. This request will be brought to the Board meeting on November 9, 2004 for approval.

Administrator White reported that we received information from LeAnne Porzycki, Assistant Director of Planning and Facilities Use, Thompson R2J School District, regarding the impact fees for the School District. There has been no change in the amount of payment collected in lieu for school purposes. It remains at \$688 per dwelling unit.

Carlin Barkeen addressed the Board on behalf of the Planning Department regarding the final development plan for the Quick Lube site. The "Welcome to Berthoud" sign is on this property and is in the path of the sidewalk. Following discussion, Board members suggested the sign be moved. Planner Reed will talk with Quick Lube and Safeway and see if they will partner with us to relocate the sign to a more appropriate location.

#### **DRAFT 2005 BUDGET**

Administrator White explained that State Statute requires that the Board of Trustees accept the first draft of the 2005 Budget no later than October 15, 2004. This is a work in progress, with the actual proposed budget scheduled for a study session on November 16, 2004 for Board review. The Finance Committee will have several meetings to make revisions to the Budget prior to that meeting.

**Trustee Patrick moved to accept the first draft of the 2005 budget. Second by Trustee Thorstensen. With no objection, the first draft of the 2005 budget was accepted by unanimous consent.**

#### **I-25 WWTP SITE SELECTION**

Administrator White noted that the Town needs to move forward with securing a site for the regional wastewater plant that is to be built at I-25. He noted that once a site is selected, the Town will have to go to the North Front Range Quality Planning Association Board to revise our 208 plan to reflect the new location of the regional plant. During the last meeting, Board members had questions regarding odor mitigation, and Brian Zick of TEC is here this evening to respond to those questions, and to ask for approval of the site to allow this process to move forward.

Brian Zick of TEC addressed the Board regarding the proposed site which is located approximately 1.5 miles east of Interstate 25 and approximately .25 miles north of Weld County 44. He described the potential impact of odors at the proposed location and explained what can be used to eliminate problems in this area.

Mr. Zick reiterated that he is asking for Board approval for the proposed site so that we can amend the Town's facility plan to allow for a treatment plant and to allow us to go to the North Front Range Water Quality Planning Association during their November meeting to modify the 208 plan. We need to request state site approval and move forward with design and planning for the facility.

Board members felt the site being considered is appropriate for a regional plant and felt enclosing the plant might be beneficial to assist us in mitigating odors from the plant. It was noted that this site is not owned by the Town and will have to be acquired. Administrator White indicated he would follow up with the developer to clarify the status of the land purchase.

**Mayor Pro-Tem Ashcraft moved to approve the site location for the Town of Berthoud Regional Wastewater Plant. Second by Trustee Buckingham. With no objection, the site was approved by unanimous consent.**

**MASTER PLAN COMMITTEE APPOINTMENTS**

Intern Cynthia Lacourse-Blum presented the recommendations from the Nominating Committee for the Community Advisory Committee (CAC) for the update to the Town of Berthoud's 2001 Land Use Plan and the 1992 Comprehensive Plan. She noted there was one additional applicant, Pete Cowdin, and he is a resident of the Town.

Trustee Buckingham explained the selection process and nominated the following Berthoud residents: Stelios Androulidakis, Eric Berg, Bill Grindle, Russell Josephson, Monique Maldonado, Kelley Pekarek, Jack Williamson and Pete Cowdin. He nominated the following nonresidents: John Goreski, Wally Grant, Lawrence Jackbson, David Lamb, Scott Sarbaugh, Larry Smith, Ken Weibel and Michelle Jurs.

Trustee Buckingham noted there were four additional non-resident applicants, and they are being proposed to serve as alternates for the nonresidents.

Mayor Pro-Tem Ashcraft and Trustee Patrick spoke in opposition to the composition of the Committee because there are more nonresidents than residents being considered for the Committee, and the nonresidents are heavily weighted towards developers in the area.

Trustee Gregg spoke in favor of the composition of the committee since this is an advisory committee and not involved in policy making.

Mayor Karspeck suggested a written ballot to select eight of the nonresidents to serve on the Committee.

Board members voted and appointed John Goreski, Wally Grant, Lawrence Jacobson, David Lamb, Scott Sarbaugh, Larry Smith, Ken Weibel and Michelle Jurs to serve as nonresident members.

There were no objections to the resident nominations. Board members appointed Stelios Androulidakis, Eric Berg, Bill Grindle, Russell Josephson, Monique Maldonado, Kelley Pekarek, Jack Williamson and Pete Cowdin were approved by unanimous consent.

**Trustee Thorstensen moved to eliminate the nonresident alternates. Second by Trustee Gervasi. Trustees Buckingham, Gervasi, Gregg and Thorstensen voted YES and Mayor Karspeck, Mayor Pro-Tem Ashcraft and Trustee Patrick voted NO. The alternates were eliminated.**

The meeting recessed at 8:30 p.m. and reconvened at 8:45 p.m.

**PUBLIC HEARING – PROPOSED ORDINANCES CHANGING STREET NAMES**

Mayor Karspeck opened the public hearing. Planner Reed explained that it has been determined that some of the street names in Gateway Park, The Estates at Matthews Farms and Peakview Meadows are in conflict with the Larimer County Emergency Authority (LETA)'s street naming standards and therefore, in accordance with the Town's agreement with LETA are being changed.

Board members considered each ordinance, as follows:

**Peakview Meadows:**

Mayor Karspeck opened the floor for public comment and there was none.

**Trustee Buckingham moved to approve Ordinance 995, renaming a street within Peakview Meadows 1<sup>st</sup> and 2<sup>nd</sup> Subdivisions. Second by Trustee Gervasi. All members voted YES.**

**Gateway Park:**

Mayor Karspeck opened the floor for public comment and there was none.

**Trustee Gregg moved to approve Ordinance 996, an ordinance renaming streets within Gateway Park. Second by Mayor Pro-Tem Ashcraft. All members voted YES.**

**Matthews Farm:**

Mayor Karspeck opened the floor for public comment and there was none.

**Trustee Buckingham moved to amend the proposed ordinance to name all three Robin Ways to High Mountain Drive. Second by Mayor Karspeck.**

Trustee Thorstensen objected, asking that Robin Way be changed to Berthoud Peak Drive and Grosbeak Lane be changed to High Mountain Drive.

**Trustee Buckingham withdrew his motion.**

Trustee Gregg opposed naming all three segments of Robin Way using one name.

**Trustee Thorstensen moved to amend and approve Ordinance 997, renaming streets within the Estates at Matthews Farms as follows: Robin Way to Berthoud Peak Drive, Grosbeak Lane to High Mountain Drive and Grouse Lane to Mount Cameron Way. Second by Trustee Gervasi. Mayor Karspeck, Mayor Pro-Tem Ashcraft and Trustees Patrick, Buckingham, Gervasi and Thorstensen voted YES. Trustee Gregg voted NO.**

**PUBLIC HEARING – PROPOSED ORDINANCE RE REVOCABLE PERMITS**

Mayor Karspeck opened the public hearing regarding the proposed ordinance regarding revocable permits.

Planner Reed summarized the proposed ordinance, noting that the Building Official is the designee for processing sign permits.

Mayor Karspeck read the title of the ordinance and opened the floor for public comment. There was no public comment.

Trustee Patrick and Trustee Buckingham opposed the proposed ordinance for several reasons: terms are not limited and should not be extended beyond two years, there are no renewal fees in the ordinance, we do not have the ability to reject signs based on content, the location of the signs in the ordinance regarding off-premise signs allows the signs to be within four feet of the road. He noted the intent of this ordinance was to allow directional signs that would be installed by the Town and paid for by the developer.

Planner Reed explained that the Town can not restrict the content of the signs, and he noted that our current sign regulations allow on-premise signs, but restrict the content of the sign in that it must promote the business located on the premises. This gives us some control over the types of signs that are present in Berthoud.

Mayor Karspeck opened the floor for public comment and there was none.

Mayor Karspeck and Mayor Pro-Tem Ashcraft spoke in opposition to the proposed ordinance, noting it does not meet the original goal that was to be accomplished.

**Trustee Gregg moved to adopt Ordinance 998, to establish a revocable permit procedure with the substitution of Building Official in place of Town Administrator in 30-3-401, Paragraph C. Second by Trustee Thorstensen. Trustee Thorstensen and Trustee Gregg voted YES. Mayor Karspeck, Mayor Pro-Tem Ashcraft and Trustees Buckingham, Gervasi and Patrick voted NO. The motion failed.**

**PUBLIC HEARING PROPOSED ORDINANCE RE OFF-PREMISES SIGNS**

Planner Reed withdrew this item from the agenda.

**BEST PARK DEVELOPMENT PRACTICES**

Planner Reed presented information regarding the amendment to the 2001 Parks and Major Bike Trails Plan and Development Practices.

**Trustee Buckingham moved to recommend to the Planning and Zoning Commission approval of the proposed amendments to the Best Park Development Practices with the modification of paragraphs 16 and 17 to eliminate the words "Homeowners Association ("HOA"). Second by Trustee Gregg. With no objection, the revised Best Park Development Practices was approved as amended by unanimous consent.**

With no further business, the meeting adjourned at 9:50 p.m.

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Mayor Milan Karspeck

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Deputy Town Clerk Charlene Reed