

TOWN OF BERTHOUD  
BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, JUNE 28, 2005  
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, June 28, 2005 in the Board Room of Town Hall Mayor Pro-Tem Don Ashcraft called the meeting to order at 7:03 p.m.

MEMBERS PRESENT: Mayor Pro-Tem Don Ashcraft  
Trustee Louis Gervasi  
Trustee Peder Thorstensen  
Trustee Glen Buckingham  
Trustee David Gregg

MEMBERS ABSENT: Mayor Milan Karspeck  
Trustee Michael Patrick

STAFF PRESENT: Town Administrator Jim White  
Public Works Director Tony Huerta  
Planner Wayne Reed  
Deputy Town Clerk Charlene Reed.

**PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Ashcraft led the pledge of allegiance.

**CITIZEN PARTICIPATION**

Mark Chaffee, President of the Berthoud Area Chamber of Commerce addressed the Board asking that the Board pass a resolution designating the "Berthoud Beltway" as the name of the newly built portion of U. S. Highway 287 that encircles the north and west side of Berthoud, from where the new portion begins on the east side at 287 continuing south and west to County Road 4 on the south border. He noted that the Chamber Board feels that this is a more positive name than the Berthoud Bypass. This name would be used in maps and directions and on Chamber publications in the future. He noted that CDOT is not planning to put up signage on the highway, other than Highway 287.

Mayor Pro-Tem Ashcraft suggested this be considered at the study session next week. .

Administrator White noted in conversation with CDOT, there are issues in renaming a road that stretches from Texas to Canada. He pointed out that this will not be an "official" name, but will become the name referred to by residents of Berthoud. Mr. Chaffee agreed and noted that CDOT was not opposed to their proposal.

**REPORTS**

Administrator White distributed information received from the Chamber, including the monthly Chamber Newsletter and the new 2005 Membership Directory. He also noted that the Chamber is one of the sponsors of the BIXPO conference scheduled for September 14-15, 2005 in Fort Collins. Speakers for the conference will include Donald Trump and Rudy Giuliani.

Administrator White noted he received information from the Berthoud Fire Protection District indicating that the Town's ISO rating has been reduced to a "3". Homeowners in Berthoud should notify their insurance carriers since this may allow for a reduction in premiums.

Administrator White noted that a decision must be made by July 5, 2005 regarding what payment options we want to utilize for the GOCO grant funds that we received for the Berthoud Elementary Ballfield project. Representatives of the Town and the School District will meet to determine how we want the funds paid.

Attorney Fickel reported that negotiations are ongoing with Johnstown for an IGA to provide wastewater treatment service at I-25 and these negotiations continue to be positive. He noted a meeting was held with Troy McWhinney and Sage Development group and asked for an executive session to bring the Board up to speed on the negotiations.

Public Works Director Tony Huerta provided a brief update on the wastewater plant for Serenity Ridge. He noted the plant was started today and the process went well. Training for staff is scheduled for Wednesday and Thursday, June 29-30. He noted the design engineer is scheduled to inspect the plant tomorrow afternoon.

### CONSENT AGENDA

The consent agenda consisted of the minutes of the regular meeting held on June 14, 2005, the special meeting held on June 21, 2005, the financial statement for May 2005, the special event liquor license for the Chamber of Commerce for Berthoud Day, and the liquor license renewal for the Wayside Inn.

**Trustee Gregg moved to approve the consent agenda as submitted. Second by Trustee Gervasi. The motion passed unanimously.**

### PUBLIC HEARING – BERTHOUD HOLLOW ANNEXATION, REZONE, OVERALL DEVELOPMENT PLAN

Mayor Pro-Tem Ashcraft opened the public hearing regarding the Berthoud Hollow Annexation, Rezone, and Overall Development Plan. Planner Reed summarized the issues to be considered at the meeting. R & M Land Holdings, LC is presenting three requests before the Board of Trustees. The requests include an annexation, a rezoning and an Overall Development Plan (ODP) for this property.

Planner Carlin Barkeen summarized the staff presentation for the Board. Ms. Barkeen noted that the applicant requesting an arrangement similar to the Cottages of Berthoud Villages with one tap for a multi-family dwelling. Attorney Fickel noted the applicant is asking to continue this hearing until this issue is resolved.

Mark Green, representing R & M Land Holding, LLC addressed the Board. He explained that they would like for the code to be interpreted to have a carriage house set up as a single family home.

Attorney Fickel suggested that since this was advertised as a public hearing, the Board go ahead and have public input in any and all issues and then there will be a request for a motion to continue this item to the next available Board meeting. The water tap issue must be resolved before this item can go forward.

Mayor Pro-Tem Ashcraft opened the floor for public comment and there was none.

Administrator White asked Planner Reed to address the items that were not included in this presentation. Planner Reed noted his staff overlooked the need to attach the ordinance and resolution. These items will be prepared and included in the packet when this item is returned to the Board. He noted the applicant has been contacted and the water tap issue will also be resolved prior to bringing this back.

**Trustee Gregg moved to continue the Public Hearing for the Berthoud Hollow Annexation, Rezoning and Overall Development Plan (ODP) to next available regular meeting. Second by Trustee Gervasi. All members voted YES.**

**PUBLIC RIGHT OF WAY ENCROACHMENT AGREEMENT**  
**(1<sup>ST</sup> STREET & BUNYAN AVENUE)**

Planner Reed noted the applicant, Scott Balman, is requesting that the Board consider a Public Right of Way Encroachment Agreement for his property at 1<sup>st</sup> Street and Bunyan Avenue. As a condition of a recent minor subdivision, the applicant has agreed to dedicate an additional 27.5 feet of right-of-way at no cost to the Town. This will increase the total right-of-way from the centerline of the roadway from 30 feet to 57.5 feet, which is consistent with the Town's arterial street standards.

In exchange, by agreement, the Town will allow him to continue using the parking lot as is. At such time that the Town permits the construction of roadway improvements within this right-of-way, the Town will relocate the parking lot outside the right of way, including design, finance, and construction. The relocation and reconstruction of this portion of the parking lot would be performed in conjunction with the roadway improvements, and at today's prices, this would cost approximately \$9,000.

Attorney Fickel noted this is long term investment for the Town and will benefit both parties. When and if there is an expansion of 1<sup>st</sup> Street, we would have a portion of the right-of-way necessary for this project.

Trustee Thorstensen noted that if we do need to widen this road, it will be necessary to negotiate with other property owners in the area to obtain similar rights-of-way. Trustee Gregg pointed out that the cost to the Town at that time will probably be much greater. Planner Reed agreed, since this applicant is willing to give the Town this right-of-way at no cost.

Trustee Buckingham noted that agreeing to move this parking lot at a projected cost of approximately \$9,000 is not a significant investment to be able to utilize this property. This is vital to good road planning and should serve as a model for the Town when relating to the neighbors in the area. He commended staff for negotiating this arrangement.

**Trustee Buckingham moved to approve the Balman Right-of-Way Encroachment Agreement. Second by Trustee Thorstensen. All members voted YES.**

**SERENITY RIDGE WASTEWATER TREATMENT PLAN CONTRACT APPROVAL**

Attorney Fickel noted Town has been in negotiations with Alberts Water & Wastewater Services, Inc. for the routine operation of the Serenity Ridge Subdivision potable waste treatment plant. He summarized recent changes in the proposed contract and noted that the Town does not have adequate staff to operate this plant and continue to maintain the services required at the current wastewater plant. The cost for this contract will be assessed against the development. At the present time, there are four houses in the development, so the developer will pick up the costs until other homes are built in the area.

Attorney Fickel noted we had previously received an extension on the septic permit currently being used from Weld County. We have received site and construction approval from CDPHE and have the package plant on site. CDPHE has advised us that this plant can remain in service as long as it meets requirements, which means the developer may be able to continue using this plant until it is time to connect to the new regional plant that will be constructed at I-25.

Trustee Buckingham noted that the developer has agreed to assume the cost for this package plant, but he asked if there is a mechanism in place to insure that the individuals purchasing property in this area are aware of this financial commitment. Attorney Fickel noted the developer is paying for the plant and will dedicate it to the Town of Berthoud since it is in our 208 area.

Trustee Buckingham asked if the operational costs will be assumed by the homeowners already in the subdivision. Attorney Fickel noted the developer will pay the difference between what we charge and the costs to these individuals. Trustee Buckingham asked how this will be handled when the development is complete and there is no longer a developer. Attorney Fickel noted the cost of operation will be the responsibility of the homeowners when the build out of the development is completed. He suggested the best way to make sure the residents are aware of this requirement is to record the information on the property. He suggested that it is important that the individuals purchasing the property understand that at some point in time, they will be required to purchase a wastewater tap to hook up to the regional plant. Not a lot of homeowners will read the development agreement, so Attorney Fickel suggested we put a one page document in place that will highlight these requirements.

Trustee Buckingham noted it would be good to provide this information in a way that it would show up in a title search. Attorney Fickel agreed.

Mayor Pro-Tem Ashcraft noted this agreement is between the company that will operate the plant and the Town. He asked who would be responsible to decommission the plant when it is no longer needed. Attorney Fickel noted the developer would be responsible for decommissioning the plant when it is no longer in use, but CDPHE has stated that this plant can continue in operation as long as it is meeting guidelines.

Attorney Fickel suggested this be continued to the next meeting to allow time for the Board to review the revisions to the proposed contract.

**Trustee Buckingham moved to postpone approval of the contract to the next regular meeting.**

Trustee Gervasi asked if the plant is in operation. Public Works Director Huerta noted it was started today and will be in operation on July 1, 2005. Trustee Gervasi asked if the contract needs to be approved since personnel are already on site. Attorney Fickel noted this agreement was not returned to the Town with changes until late this afternoon. He suggested the contractor is willing to continue in good faith until the Board has time to review and approve the agreement.

Public Works Director Huerta noted the permit to operate this plant is contingent upon inspection and approval by the design engineer. That inspection is scheduled for tomorrow, Wednesday, June 29, 2005, and once that approval is received, the plant is ready to go.

**Second by Trustee Thorstensen. All members voted YES.**

#### **EXECUTIVE SESSION**

Mayor Pro-Tem Ashcraft noted Attorney Fickel has requested an Executive Session for negotiations.

**Trustee Buckingham moved to adjourn to an executive session. Second by Trustee Gregg. The motion was approved unanimously.**

Board members adjourned to an Executive Session at 8:03 p.m. They reconvened and adjourned at 8:47 p.m.

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Mayor Milan Karspeck

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Deputy Town Clerk Charlene Reed