

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, MARCH 22, 2005
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, March 22, 2005 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 Peder Thorstensen
Trustee Glen Buckingham

MEMBERS ABSENT: Trustee David Gregg

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

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

There were no items presented by the audience.

REPORTS

Trustee Gervasi presented a brief report on the BATS meeting held on March 17, 2005.

Mayor Karspeck reported on the Tree Board meeting held on Monday, March 21, 2005. Planning is ongoing for the April 23, 2005 Arbor Day celebration and for the development of Hillsdale Park.

Mayor Karspeck announced that the next MPO meeting will be held in Fort Lupton on April 7, 2005 between 5:00 p.m. and 9:00 p.m. The topic for the meeting is the rail system that is planned for this area.

Administrator White reported that Turner Middle School applied for a GOCO mini-grant, and after review, GOCO indicated that this project did not meet the parameters defined for the grant. It was suggested that this be resubmitted in the next grant cycle.

Administrator White reported that Berthoud Elementary submitted an application during this GOCO cycle for the athletic fields project.

Administrator White noted the 2004 audit is underway for the Town. Anderson and Whitney will be working at the Town for the remainder of this week and the next two weeks, completing this audit.

Administrator White announced that the property developers for the Quick Lube project sent a letter to the Town inviting the Trustees and any interested staff to attend a groundbreaking at 9:00 a.m. on Saturday, March 26, 2005 at 1001 Mountain Avenue.

Administrator White noted that Trustee Gregg represented the Town at a recent School District meeting regarding plans for future expansion. He asked that Berthoud be considered for an indoor swimming pool.

Further discussion regarding this request will be held during a meeting at the end of March and during the next School District meeting scheduled for April 6, 2005.

Administrator White announced that the 83rd annual CML conference will be held in Vail from June 21-25, 2005. Any Board members who would like to attend should let Town Clerk Cowdin know.

Planner Reed advised the Board that there was a problem with unpaid property taxes on property adjacent to the Hillsdale Sundivision. The Town paid the back taxes and will be working with the property owners to allow them to incorporate the property into their lots.

Attorney Fickel noted the initial draft of the IGA between Johnstown and Berthoud has been distributed and he requested comments from the Board regarding this document.

Attorney Fickel presented a brief update regarding negotiations with Stan Lewis with respect to the property located south of the new wastewater treatment facility.

CONSENT AGENDA

The consent agenda consisted of the minutes of the regular meeting on March 8, 2005, the liquor license renewal for Mainstreet, and the financial statement for February 2005.

Trustee Gervasi moved to approve the consent agenda as submitted. Second by Trustee Thorstensen. Trustee Patrick abstained on the liquor license renewal, and all items were approved.

TREE BOARD APPOINTMENTS

Mayor Karspeck noted the Tree Board met with two applicants, Don Crane and Mrs. Shannon Zitney. With no further nominations, Mayor Karspeck nominated these two individuals to serve on the Tree Board.

Trustee Gervasi moved to approve the nomination. Second by Trustee Thorstensen. With no objections, and by unanimous consent, the motion carried.

Mayor Karspeck explained that one term is being vacated by an existing member and the other nominee will be accepting a new position on the Board.

RESOLUTION - NAMING OF WASTEWATER FACILITY

Administrator White noted that during the Board meeting on March 8, 2005, the Town Board agreed to name the new wastewater treatment facility after Tom Jones. He presented a resolution to formalize that approval.

Joyce Jones thanked the Board for approving the recommendation made by Pete Cowdin to name the plant after her late husband.

Thomas Jones shared information about his father and his relationship with the Town and thanked the Board for naming the plant after his father.

Trustee Ashcraft moved to approve Resolution 1-05, a resolution to name the wastewater treatment plant after Tom Jones. Second by Trustee Patrick. With no objection and by unanimous consent, the motion carried.

PUBLIC WORKS UPDATE

Public Works Director Elliott provided an overview of the status of current projects for the Public Works Department.

Trustee Thorstensen asked Mr. Elliott to arrange for a tour of the water plant. Public Works Director Elliott agreed to get a tour scheduled.

Public Works Director Elliott thanked the Board for their support during his brief time at Berthoud.

Board members commended Public Works Director Elliott for his service of the Town and expressed regret that he is leaving.

O'MALLEY FARM DEVELOPMENT AGREEMENT

Planner Reed explained that Tony Fiest and Gregg Streech are present this evening to discuss critical development issues affecting the O'Malley Farms project before proceeding with annexation, rezoning and planning. The applicant is requesting input from the Board regarding five critical development issues, as follows:

- Raw Water contribution requirement based on actual usage per third party water study
- Support of Metro District formation for regional infrastructure and improvements
- Support in acquiring off-site easement for regional infrastructure
- Allocation of 10 building permits per month on an accrual basis
- Vesting in the project

Tony Fiest addressed the Board, presenting the summary of the benefits that would come to the Town if O'Malley Farms becomes a part of the Town of Berthoud. He explained that initial infrastructure will be approximately \$5M and noted they are willing to commit to specific items to make this more attractive to the Town. He noted they would like to move the project forward, and would like to be able to submit PDP documents to the Town. He explained that their intent is to build this project out in four years.

Mayor Karspeck asked that each Board member address the specific concerns for the record:

Trustee Thorstensen noted he would be willing to look at a raw water study and felt the additional tax dollars that would come into the town would be of great benefit. He also noted he would not have a problem with ten permits per month for a project of this magnitude.

Trustee Patrick noted it would be difficult to agree to a request for a reduction in fees, since the Town is obligated to treat every developer the same. He noted the Town would need to develop a mechanism that would allow everyone the ability to pay reduced fees, rather than to give a different deal to any one developer. He also noted that the Town does not have the ability to regulate fees according to actual usage. If a developer comes in with study that says the average house would use ¼ acre foot, and then after construction, the resident uses more, where does the additional water come from? The Town does not have the ability to increase the raw water contribution after the fact, which is why the Town errs on the side of caution when working with raw water. He pointed out another way to get this fee reduced would be to look at difference sources for water.

Trustee Patrick noted that there are other fees that have not been reevaluated, including impact fees regarding wastewater. When the Board evaluates the fees that are being charged, there may be reductions in some areas and increases in others.

Trustee Patrick noted the Town is presently evaluating metro districts and their costs and benefits to the Town. This is a mechanism that is available to developers, and the Town must have a good understanding of this concept.

Trustee Patrick noted he would prefer that the developer negotiate all off-site easements and reach agreements with the property owners. If, at any time, the developer is unable to reach an agreement, then the developer can ask the Town to consider stepping in.

Trustee Patrick noted the allocation of ten building permits per month in that area would be acceptable, if the Developer has an infrastructure that would support that volume. He suggested he would like to see regular, steady, predictable development.

Trustee Patrick noted that vesting of rights has been done in one instance, but in the context of having a very specific development manual and a fairly comprehensive development agreement that provides guidelines to prevent misunderstandings in the future. He suggested that the more detailed the presentation, the more comfortable the Board would be.

Trustee Patrick felt the balance of the build out would be important. If we add 400 households to services provided by the Town, and do not have commercial development contributing to our revenue base, this can create a negative impact on our cash flow.

Trustee Patrick also suggested there need to be alternatives considered for access to the property other than through Mary's Farm.

Mayor Pro-Tem Ashcraft noted that the Board is scheduled to look at the raw water contribution in the very near future and it would be better overall for this issue to be resolved internally. He also suggested that they look at other sources of water and consider the benefit of a nonpotable water system.

Mayor Pro-Tem Ashcraft noted the Town has a developer who is working to educate the Board on metro districts and the Board is becoming more comfortable with that process. He noted this may be a feasible way for a developer to put in infrastructure, but suggested he would like to see the benefit to the Town.

Mayor Pro-Tem Ashcraft noted his only concern regarding the allocation of ten permits a month would be maintaining the small town feel of the Town.

Mayor Pro-Tem Ashcraft noted he would not be in favor of a development agreement that requires the Town to be involved in acquiring off-site easements for the infrastructure. He would prefer that the developer come to an agreement with the property owners and purchase the easements at fair and reasonable rates.

Mayor Pro-Tem Ashcraft noted that retail development is a benefit to the Town, and he would like to see something in the development agreement that would tie retail to housing and the progress of the development. He noted that one plus would be that the Town would be annexing L & H Garden Center immediately.

Mayor Pro-Tem Ashcraft shared the concern with traffic issues. Mary's Farm has had a negative impact on Welch and 1st Street. The roundabout will help with this problem, but he also objected to having traffic access through Mary's Farm.

Mayor Karspeck noted that the Town is looking at potential changes in our policy regarding raw water contributions. Administrator White confirmed that discussion is scheduled for April 5, 2005. Mayor Karspeck noted it would be better if the Town could adjust the requirement for all developers.

Mayor Karspeck also encouraged the developer to look at nonpotable water for the parks and the school yards.

Mayor Karspeck suggested that a metro district may be a good solution for this development.

Mayor Karspeck was agreeable to the Town being involved in the acquisition of easements, and he did not have a problem with the number of permits and he did not have a problem with vesting.

Mayor Karspeck noted that when outlining the benefits to the Town, the developer did not include use tax. Planner Reed confirmed that use tax per house is approximately \$3,000 and two-thirds of that would go to the general fund.

Trustee Gervasi expressed his primary concerns regarding lot coverage, traffic movement and water. He encouraged the developer to continue working with the Town to get these issues resolved.

Trustee Buckingham expressed concern that a build out of this significance would have an impact on the capacity left for our water and wastewater plants.

Trustee Buckingham did not see why any particular project warrants the use of metro districts. He questioned whether the developer has adequate financing to develop this project without establishing a district. He suggested that if the Town grants a request to establish a metro district, there needs to be a significant benefit to the Town. This is a mechanism that allows a development to finance a project and then the home purchasers pay down the road.

Trustee Buckingham noted he would like to see retail lining Highway 56 and County Line 1, and would like to see phasing with retail occurring hand in hand with residential.

Trustee Patrick agreed to the value of a nonpotable system, but suggested if that is considered, that the developer ensure that there is adequate water available to support the system.

Mr. Fiest thanked the Board for their comments. He noted they plan to continue to move forward and keep working with staff. He agreed it would be beneficial to the town to bring retail in prior to or along with rooftops. This is a key factor and the rooftops are going to have to be here to encourage retail.

The Board recessed at 8:34 p.m. and reconvened at 8:45 p.m.

ST. VRAIN BERTHOUD SKETCH PLAN

Planner Reed noted the sketch plan process is intended to represent an informal opportunity for the evaluation of a proposal before an applicant undertakes detailed planning and engineering work and incurs substantial expenses associated with these activities. Planner Reed summarized the staff report for the Board and for the audience.

Planner Reed noted the applicant and his representatives will provide a presentation, the public can comment and then the Board can address the comments.

Quinten Mendenhall of St. Vrain Properties addressed the Board and summarized their intent regarding the development.

Ross Brazill of THK Associates addressed the Board and summarized the proposed project. He explained that they are land developers, not builders, but that they are talking with several builders who want to come to Berthoud.

Mayor Karspeck opened the floor for public comment.

Michelle Jurs of 550 WCR 4E addressed the Board. She noted she does not have a problem with the proposed development, but that one of the proposed roads is on their property. She also noted there are larger properties to the west and suggested that the lots adjacent to those houses be larger with fewer houses.

Mayor Karspeck responded that the master street plan was proposed by consultant, and is not set in stone. It can be adjusted as needed.

There were no further comments from the audience and the item was returned to the Board.

Trustee Buckingham asked if it will be possible for the existing water and wastewater facilities to service this property from their current locations. He also expressed concern that the proposed density is too high. He also felt that there should be feathering between the developments. He noted it would not be appropriate to have high density next to farm properties.

Trustee Buckingham noted he would like to see details on the parks and on the proposed roads.

Trustee Gervasi agreed that density is a concern and he agreed he has concerns about roadways.

Mayor Karspeck shared the concern regarding the roadways. He noted when you annex county roads, you commit the Town to take over the maintenance. We would be taking maintenance on part of CR 17 and CR 4E. He noted he is not as concerned about the proposed density, but agreed it would be nice to feather it out to the agricultural property.

Mayor Pro-Tem Ashcraft noted there are trees on the property adjacent to Hillsdale and he would like to see those trees left in place. He also recommended that the density be feathered out to match the county density.

Trustee Patrick expressed concern because the roads will be fairly steep and could be a safety problem in the winter. The road on the south is dirt and not set up to handle significant traffic. He noted it is not realistic to put 400 houses on the property and expect them to utilize 17E. He also noted if irrigation rights are included, we will need to protect the irrigation rights for people downhill from this development.

Trustee Thorstensen agreed that it is important to feather the development where it runs adjacent to the agricultural properties.

There were no further comments from the Board and Planner Reed noted the applicants will evaluate the comments and determine if they wish to go forward with this development. If they decide to go forward, they will need to prepare the submission and hold a neighborhood meeting.

SET PUBLIC HEARING/ORDINANCE RE BANNERS AND PENNANTS.

Administrator White noted this was discussed at the last study session, and will be considered at the regular meeting on April 12, 2005. Attorney Fickel has prepared an ordinance which defines what events can be advertised on banners.

Trustee Patrick moved to set the public hearing for an Ordinance regarding banners and pennants for April 12, 2005. Second by Trustee Gervasi. With no objection, the motion passed by unanimous consent.

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Attorney Fickel noted specific guidelines and a proposed application form will be provided in the packet to go with the proposed ordinance.

Trustee Buckingham noted a meeting of the Historic Preservation Commission is scheduled for Wednesday, March 23, 2005 in the Board Room at Town Hall.

Administrator White noted we are currently advertising for a Public Works Director. The ad is running through CMA and the APWA, with the application deadline for April 6, 2005. While we are in the process of searching for a replacement, J. L. Walter or one of his engineers will fill in as time permits. TEC will also be available to provide assistance as needed.

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

Mayor Milan Karspeck

Deputy Town Clerk Charlene Reed