

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 8, 2005
Page 1 of 6

The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, November 8, 2005 in the Board Room of Town Hall. Mayor Karspeck called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Trustee Michael Patrick
Trustee Peder Thorstensen
Trustee Glen Buckingham

MEMBERS ABSENT: Mayor Pro-Tem Don Ashcraft
Trustee Louis Gervasi
Trustee David Gregg

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

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

There were no topics presented from the audience.

REPORTS

Trustee Buckingham noted he went with the Museum Director on a trip with several Main Street members to review the Fort Collins Downtown District Authority to review their downtown improvement plans. He suggested it would be appropriate for a topic for discussion for a study session. Board members concurred.

Administrator White reported that we have visitors from the Republic of Georgia, outside of Russia, next Monday, November 14, 2005, between 10:00 a.m. and 2:00 p.m.

CONSENT AGENDA

The Consent Agenda consisted of the minutes of the regular meeting for October 25, 2005 and the bills allowed for October 2005.

Trustee Buckingham moved to approve the consent agenda. Second by Trustee Patrick. The motion passed unanimously.

SET PUBLIC HEARING – AMEND DEVELOPMENT CODE RE: TREES

Arborist Hatcher noted Planner Wayne Reed has provided information regarding how surrounding communities regulate the preservation and replacement of existing trees. He explained that the method being proposed is similar to the system being used in Fort Collins. The value system can be subjective and he explained the difference between the current code and the proposed code.

Board members requested clarification and suggested minor modifications to the proposed ordinance.

Trustee Buckingham moved to set the public hearing for November 29, 2005 to adopt an ordinance amending 30-14-601 of the Town of Berthoud Development Code. Second by Trustee Patrick. The motion passed unanimously.

SAFEWAY – EXTENSION OF PRELIMINARY PLAT

Planner Reed explained that Safeway Inc., the applicant, is requesting the Board of Trustees approve a second one-year extension for its preliminary plat and by extension its Preliminary Development Plan. He explained this is the second and final request by Safeway to extend its preliminary plat. This would extend the approval to November 18, 2006 to have a final development plan and final plat approved.

Trustee Buckingham noted we received a formal request from Safeway regarding the Overall Development Plan and noted it did not expire. Planner Reed confirmed that this is correct. Trustee Buckingham asked what would happen if the PDP expires and the ODP is still in effect. Planner Reed noted they would have to reapply and comply with any new regulations that have been put in place.

Thomas Duffy, representing Safeway, addressed the Board. He noted Safeway continues to be excited about this project, but they feel the Parkway needs to be complete prior to going forward.

Mayor Karspeck asked if any work has been done on the Final Development Plan. Mr. Duffy noted that nothing has been done at this time. Mayor Karspeck agreed that it is important to wait for the Bypass to be complete, but he asked why no progress has been made on the FDP. Mr. Duffy noted discussions continue and it will be possible to move forward quickly once the Bypass is open. Mayor Karspeck expressed concern that no further work is being done and he asked whether there has been a financial commitment by Safeway. Mr. Duffy noted they have spent funds with their architect and have a strong commitment to continuing this project in Berthoud.

Trustee Patrick noted we expect that the Bypass will be making progress in the immediate future and we are hoping it will be open in late summer 2006. He suggested it might be appropriate to be moving forward with the project to be ready for that opening. Berthoud has interest in having a large retail development open in the area and hope Safeway will be a part of that development. The Town is looking for an indication that it will not be two years from now and the project just being started. Mr. Duffy noted they have presented extensive plans which required time, effort and expense and they are moving forward with the project.

Mayor Karpseck spoke with Dan Clayton and directly asked him if their intent was to open the store at the same time the Parkway opens. Mr. Duffy noted their intent is to open the store as soon as the Parkway opens.

Trustee Patrick asked how much time is required between the time that final plans are completed. Mr. Duffy noted approximately eight months from final plans to store opening. Trustee Patrick noted it would be appropriate to go forward with the final plans now to get the store open when the road opens in 2006.

Mayor Karspeck noted another concern is that Safeway is waiting to see the impact caused by the opening of Wal-Mart. Mr. Duffy noted that while Wal-Mart is a factor, they still intend to open the store in Berthoud.

Trustee Buckingham thanked the newspapers for keeping the 287 Parkway construction in the spotlight to allow the Board to aggressively pursue completion of the project. He thanked Safeway for their interest and enthusiasm to open a store in Berthoud.

Trustee Glen Buckingham moved to grant the second and final one (1) year extension for the Safeway at Berthoud Preliminary Plat. Second by Trustee Patrick. Trustee Buckingham, Mayor Karspeck and Trustee Patrick voted YES. Trustee Thorstensen voted NO. The motion passed.

FICKEL FARM 2ND PUD PRELIMINARY PLAT EXTENSION

Planner Reed noted that Dr. R. B. Fickel, the applicant, is requesting that the Board of Trustees extend for one year the period for which the Fickel Farm 2nd PUD preliminary plat and, by extension, it's Preliminary Development Plan (PDP). He noted the applicant is having difficulty with extending water through other properties which has caused a delay.

Trustee Patrick asked if there is anything the Board can do to assist with resolving the problem with the other property owners that are delaying this process. Planner Reed noted one property, Golden Acres, was annexed to the Town two years ago and is one of

the properties holding up this process. Planner Reed noted staff has already offered to meet with these property owners and work to resolve this problem.

Trustee Patrick noted when that property came through there were concerns with the extension of the block structure from Mary's Farm.

Planner Reed explained that O'Malley Glen and Golden Acres need to go forward before the resolution to the storm water issue can be reached.

Trustee Buckingham moved to grant a one (1) year extension for the Fickel Farm 2nd PUD Preliminary Plat. Second by Trustee Thorstensen. All members voted YES.

INTERN CONTRACT

Town Administrator White explained that the Department of Local Affairs, through its Energy and Mineral Impact Assistance Program, is requesting that the Town of Berthoud again participate in the "Best and Brightest" internship program. There are several candidates that have expressed an interest in working for the Town. The Finance Committee has reviewed and tentatively approved the request.

Planner Reed explained the use of the intern over the past two years, and he noted that without the Intern, there would not have been a retail market analysis, or other significant special projects that occurred during the two year period. This person serves as an Administrative Intern and a Planning Assistant and contributes significantly to the projects provided by the Planning Department and provides a great deal of value to the Town.

Trustee Patrick asked the function of this position. Administrator White noted the Department of Local Affairs has allowed us to utilize this person in Administration and Planning in the past.

Trustee Buckingham noted this is an opportunity for the Town to utilize grant funds and he thanked staff for continuing to look for opportunities of this type.

Trustee Buckingham moved to authorize the Mayor to sign the contract with the Department of Local Affairs to secure an intern for 2006 and 2007, while receiving \$30,000 from the Department of Local Affairs (\$15,000 annually), contingent on the Town's annual appropriation of matching funds. Second by Trustee Patrick. All members voted YES.

SET PUBLIC HEARING – WATER/WASTEWATER USER RATES

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 8, 2005
Page 5 of 6

Town Administrator noted we are asking the Board to consider rate changes for water and wastewater on November 29, 2005. This is the second consecutive year of the proposed five-year rate structure based on the study done by John Gallagher in October 2004. He encouraged the Board to go forward with this increase and we will continue to monitor these rates over the next year.

Trustee Buckingham noted in the language in the comment section, there was a discussion about items that have been removed from the capital improvement cost projections. He asked that a detailed breakdown be provided regarding what has been removed prior to the public hearing.

Administrator White noted the items were removed previously, but he will bring any further changes to the Board for the meeting.

Trustee Patrick noted the items that were removed were related to future development. With those items removed, it will affect subsequent years, and Mr. Gallagher has adjusted the total debt downward. He noted the Board will want to look closely at the assumptions that were used to make the projections.

Trustee Buckingham moved to set a public hearing for November 29, 2005 to review rate adjustments in the water and wastewater funds, proposed at 6.7% and 12.7% respectively. Second by Trustee Patrick. All members votes YES.

SET PUBLIC HEARING – MUNICIPAL FEE

Town Administrator White noted that the Finance Committee has recognized the need to consider the continuance of a municipal fee to cover expenses of certain municipal services, including mosquito control, street lighting, snow and ice removal, recycling program, weed control, school light maintenance, signs (signage), port-a-johns, and trash removal. The recommendation is that this be reduced from \$4.46 in 2005 to \$4.05 for 2006.

Trustee Buckingham noted this rate is being reduced by approximately 10% for 2006. He thanked staff for working to focus on collections, which has allowed us to reduce this fee.

Trustee Buckingham moved to set a Public Hearing for November 29, 2005 to discuss the Town of Berthoud Municipal Fee Ordinance. Second by Trustee Patrick. All members voted YES.

SET PUBLIC HEARING – RAW WATER DEDICATION ORDINANCE

Town Administrator White noted that Paul Zilis, Town of Berthoud water attorney, Vranesh and Raisch, LLC, has helped compile and review all raw water dedication information, and after the past two meetings with the Board, and the subsequent changes that occurred as a result of those meetings, staff is recommending support for this proposed ordinance for the Board's consideration.

Mayor Karspeck noted there was concern that we are reducing the amount of water and not setting aside water for pipelines that would come under the capital expansion fee.

Trustee Patrick noted the concern is that we are reducing fees in one area and not making changes to the capital expansion fee. He noted he would be reluctant to set a public hearing unless the change is tied to a change in the capital expansion fees. He noted the Town is short changes unless both changes are made at the same time.

Trustee Buckingham noted he would like to keep comments channeled to the water rates. There has not been a review of wastewater capacity, and that does not need to be included in the discussion.

Trustee Patrick noted he does not want to see the water dedication fees changes without considering the tap fees at the same time.

Trustee Buckingham suggested language be added to the ordinance to allow this to be effective when the other rates are modified. He felt that would allow the Board to go forward with this ordinance.

Trustee Buckingham moved to set the Public Hearing for a Special Meeting on Tuesday, November 29, 2005 to review the Raw Water Ordinance. Second by Trustee Thorstensen. All members voted YES.

With no further business, the meeting adjourned at 9:00 p.m.

Mayor Milan Karspeck

Deputy Town Clerk Charlene Reed