

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 28, 2006
Page 1 of 1

The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, March 28, 2006 in the Board Room of Town Hall. Mayor Pro-Tem Ashcraft called the meeting to order at 7:00 p.m.

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

MEMBERS ABSENT: Mayor Milan Karspeck
Trustee Glen Buckingham

STAFF PRESENT: Town Administrator Jim White
Museum Director Tom Vaughan
Arborist Shiloh Hatcher
Public Works Director Tony Huerta
Water Superintendent Ed Simpson
Planner Wayne Reed
Town Attorney Bruce Fickel
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Ashcraft led the pledge of allegiance.

CITIZEN PARTICIPATION

There were no topics presented from the audience.

REPORTS

Trustee Gervasi reported on the BATS meeting held on March 16, 2006. He noted we are currently coordinating the transition and trying to determine how that will be structured.

Trustee Patrick noted that Mayor Karspeck's father passed away and was buried today.

Administrator White thanked the Chamber for holding the candidate forum which was held yesterday. Trustee Buckingham was out of town and not able to attend.

Administrator White noted a train incident occurred when two juveniles hopped the train in Loveland and were injured getting off the train in Berthoud.

Administrator White announced that seven building permits have been pulled in Berthoud to date. This is well behind last year's permit count. He noted two permits were pulled Friday and one today.

Administrator White noted the Planning and Zoning Commission meeting starts at 5:00 p.m. on Thursday, March 29, 2006, with a tour of the Heron Lakes property. Anyone interested in attending should contact Planner Reed.

CONSENT AGENDA

The Consent Agenda consisted of the financial statement for February 2006.

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

Trustee Thorstensen arrived at 7:05 p.m.

WATER TOWER DESIGNATION

Museum Director Tom Vaughan and Historic Preservation Commission Chairperson Kirk Moors presented information regarding the latest designated structure in Berthoud, the elevated water tower.

Museum Director Vaughan reported on the presentation which was made at the last Historic Preservation Commission meeting by Anne Bond, who is doing our survey to determine what properties in Berthoud are eligible for historical designation. According to her report, 23 houses in the older part of Berthoud are eligible for national recognition and 70% are eligible for local designation.

Museum Director Vaughan thanked Mayor Karspeck and Historic Preservation Commission member, Julia McGee, for their work to prepare this recommendation, and he noted this property will be nominated for state recognition.

Mr. Moors thanked the Board for their interest in getting the tower nominated. In the process of reviewing and reading history and research it became evident it was appropriate for the designation. He summarized the information provided during the research.

Administrator White presented information which was received from Mayor Karspeck regarding Mr. Bunyan, who was instrumental in the construction of the water tower.

Mayor Pro-Tem Ashcraft noted this is a landmark for the Town of Berthoud and this is a notable designation.

**AWARD BID FOR HILLSDALE PARK
PLANTING AND IRRIGATION**

Mayor Pro-Tem Ashcraft recused himself from this portion of the meeting, as he had submitted a bid for the irrigation project of this project. He asked Trustee Patrick to chair this segment of the meeting and left the room during the discussion.

Arborist Shiloh Hatcher presented information regarding the bidding process for the planting and irrigation of Hillsdale Park. Five bidders bid on the project and all sealed bids were received by 5:00 p.m. on Friday, March 10, 2006. This competitive bid process is aimed at a substantial element of the Greater Outdoors Colorado (GOCO) grant received by the Town of Berthoud to complete the nature park project at Hillsdale Park, south and west of Berthoud.

Arborist Hatcher noted there were two low bidders for this project and staff recommends award of the project to White Dog Tree Farm of Wellington, Colorado. The amount of their bid was \$57,511.65. He explained the difference in the bids and in the options that were bid.

Arborist Hatcher noted he has worked with both contractors and both have done good work. White Dog Tree Farm has worked with the Town over the last few years.

Trustee Gregg moved to approve the Hillsdale Park landscaping and irrigation bid in the amount of \$57,511.65, awarding the bid to White Dog Tree Farm. Second by Trustee Gervasi. The motion passed unanimously.

WATER QUALITY RECOMMENDATION

Public Works Director Tony Huerta and Water Superintendent Ed Simpson presented information regarding their recommendation to purchase SolarBee's Reservoir Circulator. The purpose of this is to help eliminate the taste and odor problems we have had over the past several years. Public Works Director Huerta noted we have considered many potential systems and this was identified as a viable option to consider. He noted discussions have been held with several area communities who have used this system successfully, including Louisville, Lafayette, Englewood and the City of Thornton.

Public Works Director Huerta noted this system is solar powered and creates a motion to prevent algae to develop and blossom and keeps control of the temperature of the water by circulating the water. Dr. Chris Knud-Hansen from SolarBee presented information regarding this process.

There was extensive discussion in the difference in the cost of the new and refurbished units. Water Superintendent Simpson noted new units were quite a bit more expensive.

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 28, 2006
Page 4 of 4

Public Works Director Huerta reported that the sales representative explained that the refurbished units have been used before, but they have new internal parts. The refurbished units have a warranty similar to the new units.

Trustee Patrick noted the Board is interested in getting what is best for the Town and thanked staff for making recommendations regarding what we need to consider. He noted the cost of the refurbished units are significantly less and asked if staff is comfortable with the purchase of the refurbished units. Public Works Director Huerta noted the refurbished units would serve our needs since they have new internal parts. He noted the company has agreed to provide a two year warranty on the unit.

Board members asked if the funds were included in the budget to purchase these units. Public Works Director Huerta noted funds were included under water quality to purchase a system to help resolve this problem. We also anticipate there will be a savings in chemicals, but will not know how much until we begin this process.

Mayor Pro-Tem Ashcraft noted this system is for the pre-treatment of our water, before it is processed through our plant. He noted the water processed in Berthoud is safe and meets or exceeds quality standards.

Administrator White noted the Town has had problems with our water quality in the past three years, and during Finance Committee meeting, staff was directed to look for solutions to the problem. Water Superintendent Simpson has done extensive research and has brought this to the Board as a potential solution.

Trustee Patrick noted the proposal presented does not indicate that there is a warranty on the refurbished units. Public Works Director Huerta asked the Board to make the motion to purchase contingent on receiving the two year warranty we were to have. He noted that if the units are warranted, then the Town should be able to get the desired results at a significant savings over the cost of the new units.

Trustee Patrick moved to authorize staff to move forward with purchase of two solar bee units, subject to discretion of staff as to whether the refurbished units will be appropriate and that the warranty is provided as previously indicated at a cost not to exceed \$60,000. Second by Trustee Gregg.

Trustee Gervasi expressed concern that staff was given the choice between new and used. Staff is satisfied with used unit and suggested motion be modified to indicate purchase of used units.

Trustee Patrick noted there are still some details that need to be resolved and staff will have the ability to make these decision. Staff has indicated their intention to make the

best purchase for the Town and accomplish that before we lose the discount as of March 31, 2006.

PUBLIC HEARING – ERICKSON 3RD PUD
AMENDMENT TO FINAL DEVELOPMENT PLAN

Mayor Pro-Tem Ashcraft opened the public hearing for the Erickson 3rd PUD Amendment to the Final Development Plan

Planner Reed noted that the property owners have one request before the Board amending the existing final development plan, reducing the number of lots from six (6) to five (5). He summarized the information provided in the staff report.

Richard Ball addressed the Board noting that when this project was officially approved, the Board expressed a concern that the lots were too small. He acknowledged that the Board was correct, and noted this is an effort to make the lots more usable.

Mayor Pro-Tem Ashcraft opened the floor for public comment.

Audenago Vigil of 1035 4th Street noted when this was originally approved, he asked for a fence and it was to have been built. There is a 60' section that is not finished and he asked when that will be completed.

Mr. Ball noted that the area that was left open will remain open as a view corridor. He suggested Mr. Vigil put in a wire fence in that area, because they do not plan to fence the remaining area. Mayor Pro-Tem Ashcraft asked Planner Reed to review the prior information and determine what was agreed on initially.

There were no further comments and Mayor Pro-Tem Ashcraft returned the item to the Board for consideration.

Trustee Gervasi moved to approve the Erickson 3rd Final Development Plan. Second by Trustee Gregg. All members voted YES.

Mayor Pro-Tem Ashcraft called a recess at 8:30 p.m. The Board reconvened at 8:38 p.m.

PUBLIC HEARING – GATEWAY PARK PHASE 2 COMMERCIAL
FINAL DEVELOPMENT PLAN AND FINAL PLAT

Mayor Pro-Tem Ashcraft opened the public hearing.

Planner Reed noted Mountain Gateway Properties, LLC, is requesting that the Board of Trustees approve an amendment to the approved Gateway Park PUD PDP/FDP and a

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 28, 2006
Page 6 of 6

final plat. He summarized the information provided in the staff report, noting that the proposal includes three (3) lots for commercial/office and two (2) lots for multi-family residential. The commercial/office area will allow eight (8) building envelopes and an independent living, assisted living and Alzheimer facility. Planner Reed noted Mountain Gateway Properties is not the same developer that initially presented the proposal for this area. This request is a reconfiguration and does not represent a change in the previously approved uses. The purpose of this change is to relocate the multi-family units to front 13th Street. Planner Reed noted no elevations are being presented for these buildings and once elevations are identified, they will be submitted to the Board for approval.

Planner Reed explained the changes to the conditions regarding LCR 17 and noted this represents a significant change in conditions from what was given to the developer previously.

Trustee Patrick noted CR 17 is in terrible shape and asked what kind of delays we will have to making improvements in this road.

Public Works Director Huerta noted the current problems in CR 17 are a result of problems with the installation of water and sanitary sewer lines under the road. The trenches were not handled appropriately and the road is settling. He noted we are working with the contractor to resolve this problem and we will be removing the surface around the trenches.

Trustee Patrick noted we will have significant temporary surfaces and asked how long this will take. Public Works Director Huerta noted the asphalt in the area will be removed and then the asphalt will be patched back to a paved surface. This "fix" will be done on the east half of the road, and will not include the west half. The quality of the west half is poor, but most of the problems are occurring from the north edge of Gateway to Bunyan, not along the Gateway development.

Trustee Patrick noted the area adjacent to Gateway is not in good condition, and he asked how long it will take to get this resolved if it is approved with the recommendation made by staff. Public Works Director Huerta noted if this is approved as presented, the developer will not be required to begin work on the road until they are ready to pull their 5th permit. There is no time deadline.

Linda Ripley, the planning consultant representing Gateway Mountain Properties, summarized the changes in this plan and explained what they are requesting. She noted their understanding is that their limitation for square footage is how much the parking can support. She noted the primary change in this plan is to relocate the multi-family housing to provide a buffer between the residential housing and the office park.

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 28, 2006
Page 7 of 7

Ms. Ripley noted they received information regarding the change in the conditions on Friday and noted they have questions and concerns regarding this condition. She asked for discussion regarding this issue and if it is not possible to resolve the issue, they would like to continue this discussion to the next meeting.

Matt Dillage, the traffic engineer for Gateway Park, addressed the Board regarding the traffic study that was done related to this area. He noted the study indicated that this project meets all standards of the Town. He noted when the Bypass opens, traffic going through this intersection should decrease dramatically. The short range forecast in the study indicates that County Road 17 will have traffic volumes that will be more in line with a two-lane street, rather than a four-lane street. He suggested it is possible for the street to be overbuilt, and it is important for them to make the best use of their dollars. He suggested this needs to be reevaluated, to determine whether the street needs to be improved to this level. He suggested nothing be done to increase the size of the street at this time.

Trisha Crutch, the design engineer for the town homes and the senior living center addressed the Board, noting that this requirement was not presented when this development was originally approved. She explained what has been done regarding improvements in this area and noted the road cannot be widened because there are factors that would prevent this from happening. She noted the west half of the street already exists and asked what they are being asked to do. She noted they are agreeable to installing the sidewalks and the curb and gutter that are missing.

Mayor Pro-Tem Ashcraft asked staff to clarify the issues identified by the applicant.

Public Works Director Huerta staff is asking for design of the full roadway and construction of half of the width of the roadway. The existing pavement is in need of repairs and once the substructure is repaired, it will be possible for the surface to be repaired to an acceptable level. We are asking Gateway to provide an overlay to bring the west half of the roadway to an acceptable level.

Trustee Gregg noted the present state of disrepair is a separate matter from this proposed improvement to the roadway. Public Works Director Huerta agreed they are two separate issues. The repairs to the substructure will be completed by another contractor in the immediate future.

Trustee Gregg asked if this requirement was included in the original Gateway agreement. Planner Reed noted the Gateway Park Subdivision final plat approval did not dedicate appropriate right-of-way when the development was originally approved. We are not asking this developer to dedicate more right-of-way on the west half. The requirement to make improvements was not addressed at that time. He noted County Road 17 was not included in the discussion when the original development agreement was approved.

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 28, 2006
Page 8 of 8

Trustee Gregg asked what would have happened if the applicant had never come in to make this change. Planner Reed noted when the Final Development Plan came before the Board, that would have triggered the same discussion. He noted we would have made it clear at that time that the roadway improvements would be required.

Trustee Patrick noted in the current road standards for the Town, County Road 17 is intended to be one of the major north-south arterials for Berthoud. In the initial approval, the development agreement did not require dedication for the four-lane road, requiring the road to be moved to the east to make that possible.

Mayor Pro-Tem Ashcraft opened the floor for public comment.

Steve Wyatt , the owner of Gateway Properties, addressed the Board. He noted this is not an insignificant condition and places a significant amount of risk on him as the owner of the property. There is no cap on the costs to make the improvements. He noted there is a cap on the amount of reimbursement available which creates a significant risk for him.

Mr. Wyatt noted in other Towns, the requirement is for the developer to improve the adjacent street to the local street standard for one half. This is not consistent with what staff said would be required elsewhere. This requirement could have a significant impact on the progress that has been made in Gateway Commercial. It is not fair or equitable to create the planning and construction of a major thoroughfare on the back of one small piece of property. He noted there will be excess capacity and there is no right-of-way to build this road. Staff does not have the right-of-way or money to build the east side. It does not seem logical to design this massive roadway when there is no money and traffic reports indicate this is not necessary.

Mr. Wyatt asked the Board to consider what is fair and equitable. He noted as a developer, he is not trying to shirk his responsibilities. They are willing to make the improvements to the curb and sidewalks, but they would like to be treated fairly. He asked the Board to make a decision based on what is fair.

Mayor Pro-Tem Ashcraft returned this to the Board, suggesting it might be advantageous to table this item and see if staff and the applicant can find a solution. He also noted it would be necessary to have additional information before this item can be considered by the Board.

Trustee Gregg agreed, noting there is not enough information available to make an educated decision. He also noted staff should consider the agreements already in place. He also asked for information regarding the scope of the change, explaining what was required before, and what we are asking for now.

Planner Reed noted that up until last week, staff was not requiring this developer to make these improvements. The developer was being required to pay fees. Staff noted that it is important that the developer make the improvements.

Trustee Patrick noted that being given the information this evening, he is not sure of the financial impact of these changes. The applicant does not know from an engineering standpoint what the cost would be. He suggested it is important that we clarify that information and get an informed estimate for construction of the road. There is no question that our master plan has identified this road as a major arterial, and he suggested it is important that we identify the effects of the conditions and also useful to have the opportunity to consider this will a full composition of the Board.

Trustee Patrick moved to continue the public hearing on the Gateway Park until April 11, 2006. Second by Trustee Thorstensen. All members voted YES.

EXECUTIVE SESSION

Mayor Pro-Tem Ashcraft noted the Board is adjourning to consider real estate acquisition and quasi judicial issues.

Trustee Patrick moved to adjourn to an Executive Session. Second by Trustee Thorstensen. The motion was approved unanimously.

Board members adjourned to an Executive Session at 9:40 p.m. They reconvened at 10:19 p.m. and adjourned immediately.

Mayor Milan Karspeck

Deputy Clerk Charlene Reed