

TOWN OF BERTHOUD
BOARD OF TRUSTEES
SPECIAL MEETING
MARCH 7, 2006
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The Board of Trustees for the Town of Berthoud met for a special meeting on Tuesday, March 7, 2006 in the Board Room of Town Hall. Mayor 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 Peder Thorstensen
Trustee Glen Buckingham
Trustee Michael Patrick
Trustee David Gregg

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

EXECUTIVE SESSION

Mayor Karspeck noted the Board is adjourning to an Executive Session to provide instructions to staff regarding negotiations for land purchases.

Mayor Pro-Tem Ashcraft moved to adjourn to an Executive Session. Second by Trustee Gervasi. The motion passed unanimously.

The Board adjourned to an Executive Session at 7:05 p.m. and reconvened at 7:25 p.m.

REPORTS

Administrator White reported that we received a request from the Bureau of Reclamation to update our Memorandum of Understanding. This modification was to extend the termination date and add an additional person to represent the Bureau of Reclamation. This document needs to be signed by the Mayor.

Administrator White reported that we attached a plaque to the "Panzone," the bear statue in Fickel Park. The statue was donated by Dan Ostermiller. Administrator White noted the next thing we will be doing is working on the lighting for the statue.

Administrator White distributed several photos of the improvements that are being made to Hillside Park. Trustee Buckingham noted he has been in the park and the changes in the park are significant. Park staff was to be commended.

Trustee Buckingham noted there is a program scheduled for tomorrow evening at 7:00 p.m. The Berthoud Historical Society is presenting Reba Massey, who will be doing a program on the History of Fort Collins along the Poudre River.

PLANNING & ZONING APPOINTMENTS

Mayor Pro-Tem Ashcraft reported that the nominating committee for the Planning and Zoning Commission met held meetings over the past two weeks to interview three candidates for two openings. Following these interviews, the Committee is nominating Ben Zink and Stelios Androulidakis to fill the two terms. The third candidate, Richard Thompson, was very well qualified, and would be an excellent addition to the Commission if another position opens up.

Mayor Pro-Tem Ashcraft moved to appoint Stelios Androulidakis for the term ending August 31, 2008 and Ben Zink for the term ending August 31, 2007. Second by Trustee Gervasi. The motion passed unanimously.

APPOINTMENT OF CHIEF OF POLICE

Administrator White reported that Glenn Johnson has been hired as the new Chief of Police. He was in Berthoud last week with his family and is looking for a home in Berthoud. Chief Johnson is scheduled to begin work on April 3, 2006 and needs to be appointed as Chief of Police.

Trustee Buckingham moved to appoint Glenn Johnson as the new Chief of Police. Second by Trustee Patrick. The motion passed unanimously.

Administrator White reported that the Board has met the challenge to match the \$500 for the Boy Scouts. Trustee Ashcraft reiterated that the funds contributed are non-public funds and were provided by Board members individually.

SET PUBLIC HEARING – KNIEVEL ANNEXATION AND REZONE

Planner Reed noted the public hearing for the Knievel Annexation was set and will have to be reset due to problems with publication.

Trustee Buckingham moved to approve Resolution 03-06 as distributed. Second by Trustee Gregg. The motion passed unanimously.

**CONTINUATION OF PUBLIC HEARING – TRAILS AT
SUGAR CREEK ANNEXATION, REZONE, OVERALL
DEVELOPMENT PLAN AND PRELIMINARY PLAT**

Mayor Karspeck reopened the public hearing and opened the floor for public comment.

Planner Reed distributed written comments from Jeff Hindman, who was unable to attend the meeting.

Tom DeWeisel of 1733 North County Road 15C advised the Board that a housing availability study was done by the City of Loveland and he summarized the results of that study. He noted the need in the area is for affordable housing or high end housing, and the homes included in this development do not meet either need. He noted if he were involved in approving this project, he would apply conditions. He would require that the developer remove the flex parcel and have it submitted at a later date. He noted he would not prevent them from developing, but would require the development to be done in phases. He suggested that the homes in this development are too close and too compact and the lots are too narrow.

There were no further comments from the audience.

Planner Reed summarized the activity that has occurred during the past week. He presented information regarding the fiscal analysis that was provided this week for the Board and summarized information from the staff report, as follows:

Trail Connectivity – The applicant has revised the trail and sidewalk system to include a 5’ sidewalk along the west side of the detention pond along Bunyan Avenue and a 5’ sidewalk connection from each cul-de-sac to 7th Street/Water Avenue. Planner Reed also suggested that an additional condition be attached regarding trails, as follows:

10. Trail Variation. The Developer shall provide more trail system variation along 7th Street, Water Avenue and LCR 10E to provide a more meandering (“winding”) feel through adjacent open space/park areas upon submitted of the final development plan.

Lots Backing on Detention – The proposed detention area will be privately owned and maintained by the Homeowner’s Association and is in close proximity to a public park. Additionally, parking is not permitted on 7th Street adjacent to the detention pond, which will deter activity in this area.

Non-Potable Water – The applicant is agreeable to providing non-potable water for the publicly owned open space areas.

Lot Sizes and Density – The applicant has revised the PDP, reducing the number of lots from 398 to 394 by reducing the number of 40' lots and providing a significant increase in the 55-60' alley load lots.

Flex Parcel – The applicant has prepared a potential design for single-family detached residential, which will be presented at this meeting.

Phasing of Building permits – This item will need to be discussed in more detail at this meeting.

Planner Reed summarized the Fiscal Impact Analysis done by BBC Research and Consulting. He noted the purpose of this study was to determine the impact on the General Fund and to make a recommendation regarding this project.

Trustee Gervasi noted that without retail sales tax, this development would have a negative impact on the Town. Planner Reed noted that the Town has historically captured 22% of retail sales from our current residents. He noted as we attract more retail and commercial development, it is our goal to increase this capture rate.

Trustee Gervasi noted that if the residents request more services, the cost to the Town to provide those services would increase. Planner Reed agreed, noting that would be the effect if it was necessary to increase the size of our police force. Any changes in the services provided affect the cost for those services.

Trustee Patrick questioned the assumptions that were used for this study. Planner Reed noted we used the same assumptions that were used for Wilson Ranch and Bader Estates.

Trustee Patrick noted with the first option, we are looking at a development that is made up of single family homes. Planner Reed agreed, but noted the applicant is willing to go in a different direction if that is the Board's pleasure.

Trustee Patrick noted their proposal for the former flex parcel is to add additional single family homes, and under option 1, they are adding an additional 43 units. He noted the fiscal benefit to the Town is minimal. Trustee Buckingham noted the benefit to the Town is approximately \$10.00 per house.

Planner Reed noted the retail sales tax capture rate could drop as low as 11% and the Town would still break even.

Trustee Patrick expressed concern because this study is based on the 2006 budget, and that budget was trimmed to reduce expenses and does not include any additional services, equipment or personnel. Using those numbers, we have a positive impact. If we were working with a healthier budget, he suggested that every one of these scenarios would

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reflect a negative impact on the Town. Planner Reed agreed, and noted that would probably be the impact of all the new development in Berthoud.

Trustee Buckingham noted the impact is usually negative for any municipality for a development that is purely residential. He noted there must be commercial or retail growth to offset that cost.

Mayor Pro-Tem Ashcraft noted this is a very narrow economic picture of a town-wide formula. He noted there are variables that are not included due to the scope of the project. He noted that when you add this many people, you hope you are making the Town more attractive to retail and commercial development. This study does not project the impact of adding this many rooftops on the retail capture rate for the Town.

Planner Reed reminded the Board that every property cannot be a retail generator for the Town. We need a sustainable community that has strong revenues to offset the cost of Town services. He noted this property is not appropriate as a large commercial or retail node, but there are other properties that can provide that for the Town. You need a wide variety of rooftops and commercial and retail properties to keep the Town healthy.

Trustee Gregg noted it is unfortunate that this would not be a good commercial or retail node. There are key locations on Main Street and on Highway 287 that would be appropriate for retail or commercial growth. He suggested as we increase rooftops, we have the ability to capture more than the 22%.

Mayor Pro-Tem Ashcraft noted planning is key. With careful planning, retail and commercial development will follow rooftops.

Trustee Gregg noted with a totally residential development, the best case scenario is to break even. In a perfect world, a virtual breakeven is where we should be with residential developments.

Trustee Patrick noted using a budget as lean as our current budget skews the results. He noted he would be more comfortable with the results of this study if it was based on a more reasonable budget. According to the details in the report, there is no increase in fixed costs, including staffing levels and equipment, and that is not our expectation for the long run. He noted that given our present financial circumstances, that is necessary, but it is hopeful that we will not have this type of budget for the next fifteen years.

Trustee Buckingham cautioned the Board not to rely too much on this study when we know that our staff is looking at a comprehensive plan which targets specific properties that will be the source of increasing the 22% to a higher level. Commercial and retail growth is key to making the community whole, not through residential development.

Traffic Impact Analysis Conclusions. John Seyer distributed a revised traffic study for Board consideration and presented the analysis based on this study.

Yvonne Seaman of Centex Homes addressed the Board, presenting information regarding the typical street section which includes the pedestrian throughways that provide connectivity throughout the subdivision.

Flex Parcel - Ms. Seaman presented a revised drawing for the flex parcel which would be developed with 43 lots for single family detached homes. She noted they are prepared to make that change if that is the Board's pleasure.

Mike Burn, the owner of the property, addressed the Board, noting that after several meetings it has become clear that there is not a consensus on the flex parcel. There are many different opinions and it is not a viable commercial development parcel. He noted they were trying to find options for neighborhood business or a different multi-family product that would work in this area. The logical approach is to take the uncertainty out of it and make this parcel single family and include it in the final development plan for this project. He encouraged the Board to move this project along, noting that rooftops are important to encourage retail.

Lot Sizes/Density - Ms. Seaman noted they made significant changes in the lot sizes and densities. She noted they have eliminated a significant number of the 40' lots and moved these lots throughout the subdivision. They are no longer clumped together. They have increased the variety of lot sizes in the neighborhoods and increased the lot size across from Bunyan. She exhibited a drawing that shows how the houses might look once built out and presented a breakdown of the proposed properties and the homes being proposed for the lots. She summarized the sizes of the homes and provided information on what houses fit on specific lots.

Mayor Pro-Tem Ashcraft noted these homes are narrower and smaller than the houses in Mary's Farm.

Mayor Karspeck noted in the older part of town, lots are 50' wide and 140' deep.

Trustee Patrick asked if comparable lot sizes have been approved in the recent past. Planner Reed noted Gateway has lots that are similar to this.

Trustee Gregg noted products such as those proposed by this developer can be very livable. He noted he is building such a product in Erie.

Mr. Seaman responded to prior questions regarding their market study for the Berthoud area. She explained how they do their studies and the conclusions. Based on the market in the local area and their historic capture ratio, they feel ten houses per month are

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appropriate. She noted there is a demand in Berthoud and they can provide a valuable product for Berthoud.

Trustee Buckingham asked the proposed prices for these homes and Ms. Seaman provided the information.

Mayor Pro-Tem Ashcraft asked what protections they have for a down market or gluts in the market. Ms. Seaman noted due to their size, they can follow the market and provide incentives to encourage people to look at their homes. She noted they are providing a value product and are optimistic that the upswing will continue. She noted they also have the ability to provide incentives in areas where it is necessary.

Mayor Karspeck proposed a slight reconfiguration. He asked that the homes on Bunyan be moved into the flex parcel. He also suggested that the houses next to the detention pond be moved to that area. That would allow larger open space and space for trails from the south.

Trustee Buckingham agreed and suggested they consider not under grounding the Loveland Ditch, and allow it to run across the property.

Todd Johnson with Centex Homes explained their plan for the ditch and noted there might be a problem with allowing the ditch to run across the property.

Trustee Buckingham noted there has been prior discussion about forming a municipal district and he asked if that is something they are still considering. Ms. Seaman noted that is something that they include in the supplement to the annexation agreement. Their intent is to come up with specific ideas for that before bringing it to the Board for approval.

She noted they can complete this development without a municipal district, but they would be able to make significant improvements to the plans if they are allowed to have one.

Mayor Karspeck opened the floor for public comment.

Karen Stockley of 316 Bothun Road noted she does not feel Centex Homes is a good fit for Berthoud. She challenged the traffic study and expressed concern that Centex Homes is planning to build 10 units per month.

Sterling Myers of 1236 Cedar Drive asked if the Board could require Centex Homes to hire local contractors. He also noted that Berthoud is a bedroom community and it is typical for residents of a bedroom community to spend money where they work, rather than where they live.

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Trustee Patrick noted that the Board recognizes that a significant part of the leakage comes has to do with the fact that there are a number of goods and services that are not available in Berthoud. If there are no businesses that provide products locally, then residents much purchase those products elsewhere.

John Goreski of 604 East County Road 10 questioned the traffic study, saying he thinks that not as much of the traffic will go to the north and west as is estimated. He noted the study does not address traffic on 4th Street, and he suggested the grid pattern should be followed to allow for better traffic flow between the areas. He expressed concern about double fronted lots. He also noted design is collaborative process and it is important that developer provide a design that meets the needs of the Town. He encouraged the Board to vote this down and send Centex back to the drawing board.

John Seyer responded to the comments regarding the traffic study. He noted they feel that the opening of the bypass will result in a significant amount of traffic being diverted away from this area. He also noted that the traffic totals include the expected traffic on 4th Street.

Mayor Pro-Tem Ashcraft moved to continue the Trails at Sugar Creek public hearings for annexation, rezoning, ODP, PDP and preliminary plat to March 14, 2006. Second by Trustee Buckingham. The motion passed unanimously.

With no further business before the Board, the meeting adjourned at 9:35 p.m.

Mayor Milan Karspeck

Deputy Clerk Charlene Reed