

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 23, 2007
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, January 23, 2007 at 7:00 p.m. in the Board Room at Town Hall. Mayor Karspeck called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Trustee Louis Gervasi
Trustee Peder Thorstensen
Trustee Michael Patrick
Trustee Chase Sommars

MEMBERS ABSENT: Mayor Pro-Tem Don Ashcraft
Trustee Glen Buckingham

STAFF PRESENT: Town Administrator Jim White
Planning Director Robert Anderson
Planner Carlin Barkeen
Public Works Director Tony Huerta
Wastewater Superintendent Bob Airhart
Dennis Chambers, Wastewater Department
Don Long, Wastewater Department
Museum Director Tom Vaughan
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

There were no items presented from the audience.

REPORTS

Town Administrator White reported that the telethon held January 22, 2007, on behalf of the two Berthoud students, Tyler Carron and Nikko Landeros, raised \$54,000.

Administrator White announced that the Chamber of Commerce installation dinner was held on Saturday, January 20, 2007. R. B. Fickel was named 2006 Citizen of the Year for Berthoud at the banquet.

Administrator White announced several staffing changes. We have hired a new intern, Emily Kinzer, and she will be introduced to the Board at a future meeting. He also announced that we have hired Jeff Tobey to replace Patrick Macarelli in the Parks

Department. We will be promoting Don Long in the Wastewater Department to be the new Pre-Treatment Coordinator and we have hired Misty Jones to fill a position working for both the Water and Wastewater Departments.

Administrator White noted we also have openings for two officers in the Police Department. Interviews have been held and once the candidates are selected, further information will come to the Board.

Public Works Huerta informed the Board that the Wastewater Treatment Plans received a safety award from the Rocky Mountain Water Environment Organization. He introduced Floyd Bigler to make the presentation and introduced Bob Airhart, Dennis Chambers and Don Long from the Wastewater Department. Mr. Bigler noted that the award being presented is the Ten Year Safety Award and he noted that Berthoud is the first plant to receive this award.

CONSENT AGENDA

The Consent Agenda consisted of the minutes of the regular meeting held on January 9, 2007, the final bills allowed from December 2006, and a special event liquor license for the Berthoud Historical Society.

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

BATS FACILITY SITE

Eric Boyd, the Berthoud Area Transportation Service (BATS) Manager, noted that a study session was held regarding the proposed site for the new BATS facility. He noted that once a proposed site is selected, an environmental study must be completed before the formal grant application can be made. The proposed site is the former wastewater plant property on First Street, a Town owned site. It is available, convenient, and requires little improvement prior to construction.

Mr. Boyd explained that this facility will be used exclusively for BATS since there are federal funds involved. He noted that since BATS is now a department of the Town, it would not be necessary to subdivide the property. The Federal Transit Administration (FTA) will provide 80% of the funding for the building and would have an 80% ownership of the building. The remaining funds would come from BATS. In the future, if the value of the building increases, then the FTA would still own 80%. If the Town decides to move to a new facility, the FTA would want the fair market value of this building incorporated into the new facility and would assist with purchase of a new facility.

Mayor Karspeck asked what would happen if the Town wanted to eliminate BATS. Mr. Boyd noted if the program is discontinued, then the Town would have to reimburse the FTA for their 80% of the value of the building.

Trustee Sommars asked what happens if the Board accepts the recommendation to approve this as the proposed location. Mr. Boyd noted that would allow us to go forward with the environmental study to determine if the site would be acceptable to the FTA. He explained that we need to go forward with this selection process since we have approved grant funds that will be lost if we don't move forward with this project in 2007.

Trustee Patrick noted that while this is a service that everyone supports, we can not predict what developments will occur in the future. He was concerned that if the program goes away, we will have a Town building on town property that we cannot use until the FTA funds are repaid. He asked if there is some way the building can be proportioned between the Town and the FTA so that the Town could use our 20% if there was a need in the future. Mr. Boyd indicated he would seek an answer to that question.

Trustee Sommars moved to approve the former wastewater treatment plant site on First Street as the proposed location for the Berthoud Area Transportation Service facility. Second by Trustee Gervasi. The motion passed unanimously.

SIDEWALK DESIGN

Museum Director Tom Vaughan noted that Rafe Ropek contracted with the Berthoud Main Street Program to create a few design concepts which could be used in the historical downtown area sidewalks to enhance the pedestrian experience. In his designs, Mr. Ropek used elements from Alfred Bimson's ironwork patterns from the late 1800's and early 1900's to add a touch of history in the old downtown area.

Mayor Karspeck noted there was a question about copyright issues and he asked that this be discussed in Executive Session before making a motion.

Trustee Patrick moved to table this issue until after the Executive Session at the end of the meeting. Second by Trustee Sommars. The motion passed unanimously.

PUBLIC HEARING – OVERLOOK AT DRY CREEK ANNEXATION, ZONING AND ODP

Planner Barkeen explained that Harvest Estate Development, LLC is presenting four requests before the Board and explained the requests.

Ross Brazill, principal of Plan West, Inc. presented information regarding the proposed project.

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Trustee Gervasi noted the applicant was questioned in the neighborhood meetings about rural densities. It was noted that two acre lots are not feasible in Town because of the improvement required. Mr. Brazill explained that they will have significant infrastructure costs, and it is difficult to meet those costs if you reduce the density of the project.

Trustee Gervasi asked about lot sizes. Mr. Brazill noted the larger lot size is 6,500 square foot and the smallest lot size has not been defined. He noted the land use plan allows 4-6 units per acre.

Trustee Patrick expressed concern that we are tying up capacity in our water and wastewater plants for projects that are not moving forward. He asked what this plan is for going forward with this project and when that might occur.

Quenten Mendenhal answered that their intent is to go forward with this project after annexation. They are pursuing discussions with builders and the action taken at this meeting will determine whether this project can go forward. Their initial indications are that there are people interested in moving forward in a reasonable amount of time.

Trustee Patrick encouraged this developer to look at other projects that have been approved in Berthoud. Mr. Brazill noted they looked closely at other developments and feel it is a good thing to have more projects in the pipeline to allow for some projects to succeed. There are private home builders that are building and going forward while larger builders are not able to compete.

Trustee Patrick asked about access to the open space parcels. Mr. Brazill noted they had originally intended to provide a public park, but in this plan most of the open space is for the enjoyment of the residents of the development.

Trustee Patrick expressed concern that this plan provides for dwelling units over garages, and he asked that this be removed. Mayor Karspeck asked why this is included at this stage of the development. Mr. Brazill agreed to remove this, but noted the purpose is to allow them to ask that this be a permitted use when the PDP is presented.

Attorney Fickel noted there are controls in the annexation petition that limit the ability of the applicant to demand utilities. Even if the Board approves this request, there are no vested development rights. He suggested the footnote be removed at this time and the discussion occur at a further stage of the development.

Mayor Karspeck expressed concern in approving a request to make changes in the master street plan. He asked if this development could go forward without this change.

Mr. Brazill noted the the current location of the road presents environmental issues.

Planner Anderson explained that the location of this street creates concern regarding the open space and topography of the area. They are asking if the Town would consider making changes to the master street plan, since that plan does not consider topography.

Mayor Karspeck noted the Master Street Plan is approved by the Planning Commission. Planner Barkeen noted they are recommending this change. This was reviewed by the Town's transportation engineer, John Sayer, and he felt this was appropriate due to the topography problems and wetlands that are affected by the initial location. This also conflicts with the park and would have a negative impact on the area. Instead of having an additional connection across the railroad, this was good solution.

Mayor Karspeck noted he would prefer to have the Master Street Plan modified, rather than making changes without looking at the overall plan.

Planner Barkeen noted the Master Street Plan is a guideline and suggested that the Town would not want to put an arterial through an environmentally sensitive area. She suggested that changes of this type should be made on a project by project basis.

Mayor Karspeck noted changes of this type need to be considered looking at the broad context, rather than making changes without considering the overall effect.

Mr. Brazill noted this plan was given to them by Public Works. He noted this is a significant issue and their plan for the area cannot go forward without this change. He noted they understood that the Planning and Public Works Departments had agreed to this change. Since Planning and Zoning supported this change, Mr. Brazill asked for conditional approval. He noted they have gone forward with their design based on the information they were given.

Mayor Karspeck noted he would not be opposed to making the change, but would like the opportunity to look at the overall big picture before going forward.

Mayor Karspeck opened the floor for public comment.

Tom Smith, South of 4E, noted that the Planning Commission suggested suggested that the proposed commercial area be eliminated. He noted they would prefer not to see the commercial area built across from their home.

Deb Wilson of 1220 South County Road 17 suggested there was no need for commercial in this area. She also did not see a need for Berthoud to continue annexing property and eliminating farm land. She said the Town has 85 miles of roads and and she asked why we keep adding different areas to the Town.

Mayor Karspeck noted the Town has a Public Facilities Ordinance in place and asked if this was reviewed. Planner Barkeen noted this was considered and this plan meets the criteria.

Mayor Karspeck asked how much additional roadway would belong to the Town. Planner Anderson noted this would be an additional 2,348 additional feet.

Trustee Sommars moved to approve Resolution 3-07, the Findings of Fact for the annexation of the Schell-Hicks Annexation No. 1, No. 2, No. 3 and No. 4 (Overlook at Dry Creek). Second by Trustee Thorstensen. The motion passed unanimously.

Trustee Sommars moved to approve Ordinance 1049 annexing and zoning the Schell-Hicks Annexations No. 1, No. 2, No. 3 and No. 4 (Overlook at Dry Creek) Second by Trustee Gervasi. The motion passed unanimously.

Trustee Sommars moved to approve Ordinance 1050, rezoning the Schell-Hicks Annexation(s) No. 1-4 from T-Transitional to PUD. Second by Trustee Patrick. Mayor Karspeck and Trustees Thorstensen, Patrick and Sommars voted YES. Trustee Gervasi voted NO.

Board members considered the Overlook at Dry Creek ODP.

Attorney Fickel noted that the Board is moving to approve the ODP as presented with the understanding that the Board is not committing to specific designs for the commercial area, the higher density areas or the roadways. He suggested this is not the time to go into that much detail and asked Planner Anderson to provide information regarding what is required by the Development Code for an ODP. Planner Anderson read the section of the Development Code regarding Overall Development Plans.

Board members expressed concern about the densities being requested. Trustee Patrick noted that in recent developments 2.8 dwelling units per acre were approved. Planner Anderson pointed out that the development code allows for 4-6 du/acre.

Attorney Fickel noted it would be appropriate to give the developer an indication of the type of density that would be favorable in this circumstance.

Trustee Patrick moved to accept the ODP with the following changes and conditions:

- 1) an express recitation subject to approval by the applicant that the provisions of the general note as proposed residential density is subject to review and modification in the next stages of the development process;**

- 2) that there will be public access to the open space areas;
- 3) that the commercial node will be removed and converted to single family development;
- 4) that the provisions in the notes for living areas over detached structures will be stricken at this point and subject to reconsideration when this comes back to the Board;
- 5) that the incorporation of the planning and zoning recommendations be conditional on the Town's process of review of the proposed changes to the Master Street Plan.

Second by Thorstensen. The motion passed unanimously.

The Board recessed at 9:04 p.m. and reconvened at 9:15 p.m.

PUBLIC HEARING - ANNEXATION OF WAGGENER FARM PROPERTY

Planner Anderson noted that having completed the purchase of the Waggener Farms property, the Town of Berthoud is requesting approval of the annexation of this property, with T (Transitional) zoning.

Mayor Karspeck opened the floor for public comment and there was none.

Trustee Patrick moved to approve Resolution 4-07, the Findings of Fact for the Waggener Property. Second by Trustee Sommars. The motion passed unanimously.

Trustee Patrick moved to approve Ordinance 1051, approving the annexation and zoning of the Waggener Farm Annexation, zoned to T-Transitional. Second by Trustee Sommars. The motion passed unanimously.

CONTINUATION OF PUBLIC HEARING – O'MALLEY GLEN ANNEXATION REZONE AND ODP

Planner Barkeen noted this item was continued to this meeting and the applicant does not have a date in mind to further continue the project. They have asked that this be continued or withdrawn at this time. They have requested the opportunity to reschedule at a future date and have asked not to be charged annexation fees that have already been paid.

Attorney Fickel recommended that this be continued to allow them to present a written confirmation of further recommended action. They can withdraw their signatures and that would accomplish their desire, or they can elect to have it continued and that would preserve their fees.

Trustee Sommars moved to continue this request to the February 27, 2007 meeting. Second by Trustee Thorstensen. The motion passed unanimously.

EXECUTIVE SESSION

Mayor Karspeck noted the Board will adjourn to an Executive Session regarding copyright issues on the Main Street sidewalk design.

Trustee Patrick moved to adjourn to an Executive Session. Second by Trustee Sommars. The motion passed unanimously.

The Board adjourned to an Executive Session at 9:27 p.m. and reconvened at 9:55 p.m.

Trustee Patrick moved to continue the discussion of the Sidewalk Designs to the meeting on February 13, 2007. Second by Trustee Sommars. The motion passed unanimously.

With no further business before the Board, the meeting adjourned at 9:57 p.m.

Mayor Milan Karspeck

Deputy Clerk Charlene Reed