

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 8, 2008
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, January 8, 2008 in the Board Room at 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

MEMBERS ABSENT: Trustee Michael Patrick
Trustee Chase Sommars

STAFF PRESENT: Town Administrator Jim White
Planner Robert Anderson
Public Works Director Tony Huerta
Chief of Police Glenn Johnson
Code Enforcement Officer Jeremy Yachik
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

Leroy Gustafson, 835 10th Street, Berthoud, Colorado addressed the Board regarding the change in rules regarding motor homes. He uses his motor home for work and is asking for a variance to allow him to continue parking his motor home in the street at his house. He questioned whether the Town can pass rules that remove individual freedoms. He did not feel he should be penalized because other people do not like motor homes. Mayor Karspeck explained that this needs to be discussed with the Town Administrator.

REPORTS

Administrator White introduced Jeremy Yachik, our new Code Enforcement Officer. Mayor Karspeck administered the oath of office. Chief Johnson noted that code enforcement is a difficult area and we are proud to have Officer Yachik on staff. Officer Yachik thanked the Board for the opportunity and noted he has felt welcomed to the Town.

Administrator White reported that the recycle bins are scheduled to move to the Transfer Station on Friday, January 11, 2008. Waste Management has agreed to move the

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cardboard bins to the same location. These bins will be available to the public on Wednesday and Saturday, from 9:00 a.m. to 4:00 p.m. He urged residents of Berthoud to contact their individual trash services to get curbside recycling established since the trash services are required to provide that service as of January 1, 2008.

Public Works Director Huerta noted that the trash services are required to provide curbside recycling as a condition of their license renewal with the Town. He also thanked Larimer County for their help in getting the trash bins moved to the Transfer Station.

Mayor Karspeck asked if the trash haulers are providing recycling. Public Works Director Huerta noted Waste Management and Gallegos Sanitation were already providing the service to their customers. He noted we are waiting for confirmation from the other trash companies operating in Berthoud. He noted citizens do have to call their individual companies to set up the service.

Mayor Pro-Tem Ashcraft suggested we post signs at the old location with information regarding where the bins will be located and the hours of availability. Public Works Director Huerta noted we are in the process of ordering signs. Mayor Pro-Tem Ashcraft suggested a sign be placed at the turn off indicating the hours to prevent people from coming in and dumping when the area is closed and to minimize the traffic on the road when the Transfer Station is closed.

Trustee Buckingham suggested putting a video camera in the area to prevent people from dumping trash in the area when the Transfer Station is closed. Public Works Director Huerta noted we are pricing video units for that use. Trustee Buckingham noted the use of these containers has been abused in Town and there is a definite potential for worse abuse at an unmonitored site.

Administrator White reported that we are still working with Weld and Larimer County to establish intergovernmental agreements. We have a meeting with Larimer County on January 28, 2008, and are working to set up a meeting with Weld County.

Public Works Director Huerta reported on the status of the Roundabout Project. On December 28, 2007, the Town received notice that our right-of-way plans were approved, and we can now initiate the right-of-way acquisition. We anticipate that roundabout construction will begin in mid-summer.

Public Works Director Huerta asked the Board for possible dates to formally dedicate and provide signage for the Wastewater Treatment Plant. Board members suggested February 16, 2008.

Administrator White noted Board members requested that we put a dark sky ordinance in place for the Town. Board members made several suggestions for the proposed ordinance. White noted this topic will be included in an upcoming agenda.

CONSENT AGENDA

The consent agenda consisted of the minutes of the December 11, 2007 meeting, the bills allowed for December 2007, and the financial statement for November 2007.

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

RESOLUTION RE US HIGHWAY 287 RIGHT-OF-WAY ACCEPTANCE

Public Works Director Huerta noted the Transportation Commission of Colorado deemed that segments of U. S. 287 were no longer a necessary or viable part of the State's Highway System as a result of the new U. S. 287 Parkway alignments to the north and west of Town. He identified the routes that were abandoned by CDOT.

Trustee Buckingham moved to adopt Resolution 1-08, accepting the abandoned segment of Old State Highway 287, from mile post 325.09 to mile post 325.43 and from mile post 327.03 to mile post 328.99. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.

PUBLIC HEARING – HERITAGE RIDGE PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT

Planner Anderson noted that this applicant is presenting two requests before the Board:

- 1) The Heritage Ridge PDP of 146 acres for a residential development consisting of single family and multi-family residential, club house, parkland, open space and detention with 451 total units (3.09 du/ac.)
- 2) The Heritage Ridge Preliminary Plat of 146 acres consisting of 309 single family lots, a townhome tract, clubhouse tract, open space and detention tracts and associated public right-of-way.

The subject property is located within the Town's GMA and was annexed to the Town in 2000. The PUD and ODP were approved by the Town in October 2006. The property is located south of Spartan Avenue, west of the Burlington Northern and Santa Fe Railroad right-of-way, east of the Hillsdale Subdivision, and is bisected by 5th Street.

Mayor Karspeck opened the floor for public comment.

Rick Wilson of 125 Keep Circle expressed concern that his view will be affected by this development. He was opposed to this development. He also noted there are several developments in the Town that are not complete, and he suggested the recent water increase was because of lack of water for new developments.

Dan Riffell of 739 Sage Place did not feel it is appropriate to use Sage Place to connect the two developments. He made several suggestions regarding connectivity.

David VanMatre of 201 S 1st Street objected to the layout of the streets in the subdivision. He expressed concern about the increase in traffic in this area when the development is complete. He was concerned about having a straight road to the High School and the increase in traffic and speed on this street.

There were no further comments.

Trustee Gervasi moved to approve the Heritage Ridge Preliminary Plat application with the Planning and Zoning Commission's recommended conditions, finding that the request is consistent with the criteria for a preliminary plat, as stated in the Staff Report and is consistent with the Comprehensive Plan and goals and objectives, and the Town's Land Use Plan. Second by Trustee Buckingham. The motion passed unanimously.

Trustee Gervasi moved to approve the Heritage Ridge Preliminary Development Plan application with the Planning and Zoning Commission's recommended conditions, finding that the request is consistent with the criteria for a PUD and PDP, as stated in the Staff Report and is consistent with the criteria for a PUD and PDP, as stated in the Staff Report and is consistent with the Comprehensive Plan and goals and objectives, and the Land Use Plan. Second by Trustee Buckingham. The motion passed unanimously.

The Board took a short recess at 9:03 p.m. and reconvened at 9:08 p.m.

NISP SHARES SALE

Administrator White explained that in 2007, due to financial constraints, the Town of Berthoud began the process to withdraw its participation in the Northern Integrated Supply Project (NISP). The Town asked the Northern Colorado Water Conservancy District if the Town could find a buyer for our shares, rather than simply relinquishing them. NCWCD agreed, and we secured an offer from the Town of Frederick. The Town of Frederick is offering \$30,000, and staff is recommending that we accept this offer.

Trustee Buckingham moved to approve the sale of the Town of Berthoud's shares in the Northern Integrated Supply Project (NISP) to the Town of Frederick in the amount of \$30,000. Second by Trustee Gervasi. The motion passed unanimously.

LIBRARY BOARD APPOINTMENTS

Mayor Karspeck noted there are two openings on the Library Board, with one for an in-town resident and one rural resident. Herb Meeker has re-applied for the in-town position, and we had two applicants for the rural position, Gwen Hawley and Ken Mathias. Gwen Hawley has withdrawn her application.

Mayor Karspeck noted statute requires that these appointments be made by the Mayor and he appointed Herb Meeker and Ken Mathias to the Library Board. He requested a motion of support from the Board.

Trustee Buckingham moved to support the Library Board appointments made by Mayor Karspeck. Second by Trustee Gervasi. Mayor Pro-Tem Ashcraft abstained and all other members supported the motion.

SET PUBLIC HEARING – ORDINANCE REGARDING PERMANENT USE OF WATER FROM NORTHERN COLORADO WATER CONSERVANCY DISTRICT

Administrator White noted that since 2003, the Northern Colorado Water Conservancy District has required that all Temporary Use Permits for water be converted to Permanent Use by March 1 of the ensuing year. In September 2007, the Gateway Development allotted 11 acre-foot units of CBT water to the Town. Subsequently, the Town is required to complete this conversion to Permanent Use by March 1, 2008.

Trustee Buckingham moved to set a Public Hearing on January 22, 2008 to review the conversion of the Temporary Use Permit for 11 acre-foot units to Permanent Use as required by the NCWCD's Board Policy, Section 131, Annual Renewal Water Contract. Second by Trustee Thorstensen. The motion passed unanimously.

DESIGNATION OF AGENDA POSTING LOCATION FOR 2008

Administrator White noted that Colorado Revised Statutes require the Town to designate the official site for posting of all meeting agendas for the year. Staff recommends that the current posting site of the bulletin board at the entrance to Town Hall continue to be used as the 2008 posting site.

Trustee Buckingham moved that the bulletin board at the entrance to Town Hall be designated as the official agenda posting site for 2008. Second by Trustee Thorstensen. The motion passed unanimously.

DISCUSSION ITEMS

Mayor Karspeck noted that the Loveland Lake and Ditch Lateral annual meeting is scheduled for Saturday, January 12, 2008 at 10:00 a.m. at Home State Bank. He suggested that another Board member begin to attend these meetings, as his term as Mayor will end in April and he will no longer be attending.

Trustee Gervasi asked for an update regarding dispatch services. Administrator White noted we received a preliminary intergovernmental agreement (IGA) for dispatch services between the Town of Berthoud and the City of Loveland. This document is being reviewed by the Town Attorney and a meeting is being planned with the City of Loveland to continue discussions. We hope to have this agreement in place within the first quarter of 2008.

EXECUTIVE SESSION

Mayor Karspeck requested an Executive Session regarding annexations.

Trustee Buckingham moved to adjourn to executive sessions. Second by Trustee Thorstensen. The motion passed unanimously.

The Board adjourned to an Executive Session at 9:30 p.m. and reconvened at 10:00 p.m. With no further business, the meeting was adjourned.

Mayor Milan Karspeck

Deputy Town Clerk Charlene Reed