

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 25, 2008
Page 1 of 5

The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, March 25, 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
Trustee Michael Patrick

STAFF PRESENT: Town Administrator Jim White
Town Clerk Mary Cowdin
Chief of Police Glenn Johnson
Town Planner Robert Anderson
Town Attorney Bruce Fickel
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

J. Shirazi of Berthoud Wine & Spirits asked the Board to change the time allowed for parking in front of his business to fifteen minutes. People parking in the area are going to the gym or the church, and staying longer than the forty-five minutes allowed. Since both of those businesses have separate parking areas, he put signs up limiting parking in front of the building to fifteen minutes, but was instructed by the Police Department to remove the signs. He asked the Board to change the signs on his block from 45 minutes to 15 minutes to benefit the businesses that are restricted to on street parking.

Trustee Thorstensen arrived at 7:03 p.m.

It was noted that the forty-five minute parking in the area was put in place by a prior police chief. Chief Johnson noted that the forty-five minute parking is not working. People who are using this parking to go to the gym or the church tend to stay longer, but enforcement is difficult. He suggested that the fifteen minute parking would work and would be enforceable. Board members suggested that all business owners in the area be notified that this change is being considered and given an opportunity to address the Board before the limit is changed.

REPORTS

Trustee Buckingham announced that there is a Historic Preservation Commission meeting scheduled for Wednesday, March 26, 2008 at 7:00 p.m. in the Board Room at Town Hall and he encouraged interested residents to attend.

Administrator White noted that he and Public Works Director Huerta presented our second request for an additional \$500,000 for Mountain Avenue in Denver on Thursday, March 20, 2008. We received a positive response to our request and are hopeful that we will receive funding when grants are awarded.

Administrator White commended the Board for their efforts to obtain long term financing from the Bureau of Reclamation for our water. This is the first year we have had the long term formula applied, and this reduced our payment from \$110,230.40 in 2007 to \$60,803.47 this year.

Administrator White provided a brief updated regarding the proposed BMX track, which will be presented to the Board at a future meeting.

Administrator White reported that the Moon Theatre was auctioned on Saturday with other various items. The Main Street Enhancement Committee attempted to purchase the building but was outbid.

Administrator White reported that a candidate forum was held at Town Hall on Monday, March 24, 2008 with all the candidates present to answer questions. This event was put on by the Berthoud Economic Advisory Committee. He noted that election day is Tuesday, April 1, 2008, and he encouraged everyone to get out and vote.

Administrator White announced that on April 2, 2008, there will be a Board Orientation for the new mayor and trustees that are elected on April 1. This event will be conducted by Town staff, the Town Attorney, and Tami Tanoue, legal counsel for CIRSA.

Administrator White noted we have issued a notice to proceed for construction of a new UV building for the wastewater plant. We anticipate that the construction will begin on March 31, 2008, and hope to be done by June 13, 2008.

Mayor Karspeck announced that the North Front Range MPO will be holding a summit about transportation called "Time Out for a New Tomorrow" on Wednesday, March 26, 2008 at the Ranch. Key speakers will be Governor Bill Ritter, Senator Ken Salazar and Senator Wayne Allard, and the topic will be the importance of regional collaboration with regards to future transportation solutions for our area. Mayor Karspeck, Town Administrator Jim White and Tom Patterson, mayoral candidate, will be attending.

Mayor Karspeck noted that Rocky Mountain Clean Air has announced that Northern Colorado is in ozone noncompliance. In spite of efforts to make improvements in our ozone, this region continues to have problems in this area, with oil and gas extractions in Weld County considered as one of the major emitters. He noted there will be a lot of pressure to reduce the affect on the ozone when approving projects in the area.

CONSENT AGENDA

The consent agenda consisted of the minutes from the regular meeting held on March 11, 2008, the bills allowed for March 2008, the financial statement for February 2008 and the liquor license renewal for Kwik Korner.

Trustee Buckingham moved to approve the consent agenda as submitted. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.

PUBLIC HEARING – HAMMOND AMENDED OVERALL DEVELOPMENT PLAN

Mayor Karspeck opened the public hearing.

Planner Anderson noted the applicant is requesting an amendment to the ODP originally approved with the Heron Lakes ODP in March 2001. This amendment would change the general division of Parcel K, L, M and N from four parcels to five and change the proposed land use from Business Campus, Mixed Use to Residential, Mixed Use.

Cameron Grant with W. H. Grant Enterprises explained that this change brings this property into compliance with the recently approved Land Use Plan. He noted with the approval of the Land Use Plan, they have a better understanding of how this area will develop in the future.

Craig Karn, Planner/Landscape Architect of Consilium Design presented the specific changes in the plan and how they relate to the newly approved land use plan.

Planner Anderson clarified the condition from the Planning and Zoning Commission, as follows:

- 1) That Parcel 4 be divided generally where the arrow shown on Sheet 2 of 3 of the Amended ODP depicts the entrance off of LCR 17 with the south area developing as moderate density residential and the north area remaining as high density mixed use.

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 25, 2008
Page 4 of 5

Planner Anderson confirmed that this plan is in compliance with the newly approved land use plan and with the development code.

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

Several board members expressed concern regarding the change in density on the revised plan, noting the business campus/mixed use shows a density of 6-8 du/acre, and this plan has an increase to 9 du/ac. It was also noted that this area was specifically designated by the Board as an area where the preference is commercial/retail, rather than residential development.

Planner Anderson noted that the reason for the changes in the allowed usage from commercial/retail to residential is a direct result of the change in the land use plan.

Board members suggested that this is a change in an area that was designated separator to allow an entire residential area to be constructed. Planner Anderson clarified that this area was not included in the separator area, which started at the northern boundary of this property. He also explained that one of the reasons for the change from commercial to residential in this area is the limited access off of the Parkway. CDOT is not allowing access to this property from the Parkway, which means that the only access is off of Taft.

Board members opposed to this change felt that this area should be developed as commercial/retail to assist the Town with capturing sales tax dollars that are leaking out of the Town. It was noted that we have approximately 3,000 approved dwelling units in various projects, and we have limited areas that are conducive to commercial/retail development. It was stated that the intent in this area was never to convert this to high density residential, and there is no benefit to the Town to make this change. It was also noted that one of the reasons higher density was allowed on this property was because of the commercial/retail development that was proposed for the area.

Board members in favor of the change noted that this area was never included in the separator area, and is consistent with the land use plan.

Mr. Grant noted this plan was changed to bring the area into compliance with the land use plan. This area already has significant commercial development approved, in areas that are accessible to the Parkway and to Taft. He asked the Board to explain what is wanted in this area, if this plan, which is in compliance with our approved land use plan, is not acceptable to the Board. He noted this plan is identical to the land use plan, and if that is not what the Board wants, they would like to know what changes are being requested. He noted they are trying to present a project that is consistent with the vision that the Board and the Planning Commission has identified for this area. What they are proposing is not to dramatically reduce the commercial development in the area. This plan has more potential for business use and they are defining business campus to provide

a wider range of options. With the clarification of CDOT's plan for the area, this is not a prime spot for commercial development. In addition, the overall density is 6.1 du/acre, which is in compliance with what is allowed in the area according to the land use plan. He asked for guidance regarding what needs to be done in planning this development.

Following discussion, Mr. Grant withdrew his request. They will consider the comments from the Board and bring this back at a later date.

**SET PUBLIC HEARING FOR ORDINANCE
RE BOARD OF TRUSTEE COMPENSATION**

Attorney Fickel noted this Board must make any changes in compensation for future Boards. If the Board wants to make changes, this must be done at the meeting on April 8. The proposed ordinance does not include amounts, and he asked the Board for guidance regarding what changes they wish to make. Board members suggested that staff find out what other communities are doing. Members of the current Board who chose to be paid receive \$50 per meeting. The Mayor receives an additional \$75 per month to compensate for the additional time the position requires.

Trustee Buckingham moved to set the public hearing for April 8, 2008 for an ordinance amending Section 3.1-1 of the Berthoud Municipal Code re: Board of Trustee compensation. Second by Trustee Gervasi. The motion passed unanimously.

EXECUTIVE SESSION

Mayor Karspeck noted the Board needs to adjourn to an Executive Session to discuss a personnel issue.

Trustee Buckingham moved to adjourn to an Executive Session. Second by Trustee Thorstensen. The motion passed unanimously.

Board members adjourned to an Executive Session at 8:30 p.m. They reconvened at 9:45 p.m. and with no further business before the Board, adjourned immediately.

Mayor Milan Karspeck

Deputy Town Clerk Charlene Reed