



## MINUTES OF THE TOWN BOARD

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, May 14, 2019 6:30 p.m.

**I. REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck Called into session 6:30 p.m.

**II. PLEDGE OF ALLEGIANCE** – Mayor William Karspeck

**III. ROLL CALL** – Mayor William Karspeck

**IV. CITIZEN PARTICIPATION –**

**John Fallon** of Berthoud is concerned with the proposed growth and the golf tournament coming to town. He wants to know what we are going to do to keep our public safe. He feels we need to make our community safer and have a plan for it.

**V. SCHEDULED ITEMS**

**1. Consent Agenda**

- a) Approval of May 14, 2019 Agenda
- b) Approval of Minutes – April 23, 2019
- c) March 2019 Financials

**Trustee Laak Motioned to combine and approve the items on the Consent Agenda. Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

**2. Town of Berthoud Street Tree and Tree Maintenance Program 1<sup>st</sup> Reading**

**Town Forester Embrey** introduced this item. Ordinance 1266-An ordinance requiring a street tree work permit and implementing a tree replacement program for trees located within Town Right of Way.

The Board would like for the town to investigate how to prohibit Ash from being brought into Town.

**Len Larsen** of Berthoud came up and spoke stating that the ordinance did not address the pruning for 8-foot and 14-foot level.

**Town Forester Embrey** stated that if a tree possesses an immediate hazard to the public safety, property or other trees that a permit for pruning would not be required.

This item will be brought back May 28, 2019.

**3. Proposed Development Code Changes**

**Administrator Kirk and Community Developer Freese** introduced. The Board had a workshop on April 30, 2019 to discuss the Mountain Avenue Corridor Plan and concerns with the Development Code. The proposed development code change discuss what Open Space is. It also discusses how it would be broken-up possibly percentage based on zoning. Then they defined Park Standards and when a park would be required. Also talked about the different types of parks. There would be a possibility in the new code for pocket, neighborhood and community parks. The developer can pick from a menu of requirements to satisfy the park standards including pre-selected components, choice component and specialty components. They also discussed the concerns the Board had regarding re-zoning and new large development proposals. Other topics discussed where Lot Diversity, Public Noticing, Streets, Appeals, Architecture, Sign Code and First and Second Readings.

**Mayor Karspeck** opened it for citizen feedback.

**David Leonard** of Berthoud Would like to know how this would apply to phases in the development? Also wants to know how this would affect current developments?

**Jim Righeimer** 1021 Nightingale Drive; Fort Collins Developer of Heritage Ridge. The Opens space they have is useable. They have 24 acres of Open Space out of 149 acres. Does not want the process to be over complicated. Feels there needs to be some flexibility.

**Ken Mitchell** 1021 Nightingale Drive; Fort Collins President of Heritage Ridge Metro District. Stated that there needs to be a balance between land and facilities. Also stated having too much diversity could drive out the smaller builder. Would like the Town to look at there internally lit sign and not dismiss it. Theirs was very expensive and they have the ability to control how bright it gets and what hours of the day that it is turned on. Also, would like us to focus on connectivity with our trails system.

**Christine Torres** Longmont Realtor would like us to also focus on connectivity with our trails that would help our elderly and families. She feels that if we increase the diversity it would affect the smaller builders.

**Jon Baker** of Windsor agreed with everything that had been said prior. He feels that 10 acres is to small to be considered a large development. He stated the diversity we currently have is working for us and we should continue to let it work for us. His main concern was the appealing process. Appeals should be done prior to the final plat. The final planning should be done not a phase where they are having to worry about a possible lawsuit after spending so much money on the development.

**Jim Birdsall** of TB Group in Berthoud felt the Town was going in a good direction with the proposed development code. He stated that we should re-think Open-Space for Commercial Zone areas. He felt that their performance standards should be about buffering, streets, landscaping, and parking lot. He offered to do a detail breakdown of Heritage Ridge and Vantage to examples the Board had given for projects with a good feel relative to amenities and open-space. He stated that compared to other Northern Colorado areas the 7% Open Space is relatively low. He felt that we could simplify our standards that included trails, detention ponds etc... in the open-space standards. His reasoning was no one was going to build more detention than what is required and would give the developer the capacity for better flow in their layout that would look more natural and well designed. He offered to share examples of that. He stated that our 1 acre per 100 dwellings seemed a little high but was a good place to start. He gave Windsor as an example in their Park Policy that he stated was very detailed. He was in favor of us going back to the Neighborhood Master Plan. It is much easier to make changes at the Concept Plan versus the Final Planning. He also stated that for the smaller size developments that we may want to think about waiving certain requirements to make it less burdensome for the smaller projects. He asked us to look at our street and tree lawn standards. He feels that the local streets standards are bigger than what is actually necessary. That cost saving could get passed on to the buyer. His final statement was about the Architectural Standards and cautioned to raising the bar so high that the local builder cannot reach it.

**Alex Hoime** of Berthoud and Developer feels that the more land for Open-Space adds cost to overall development. His examples were more cost in water, takes away from lot sizes, affordability of homes and increases Metro Taxes. He also stated that Open-Space should be turned into an average and not a set minimum to allow for flexibility. He also stated that he liked the Neighborhood Master Plan.

**Administrator Kirk** summarized the comments made by stating the big developers just want to know what the rules are and overall that is what all developers would like to know. He also stated that there are unintended consequences with our Water Policy and that Paul Zilis in June will be discussing the policy with the Board in June.

**The Town Board will have a Study Session on this Proposed Development Code May 21, 2019 at 7:30 p.m.** In the meantime, they encourage citizens and developers to email the board regarding this topic.

#### 4. Village at Rose Farm Preliminary Plat-Public Hearing

**Community Developer Freese** introduced The Village at Rose Farm. It received preliminary plat approval on April 25, 2018 Planning Commission Meeting. Then on June 26, 2018 the project received Concept Plan approval from the Town Board. The proposed preliminary plat has one less lot.

**Lee Martin** with Landmark Engineering talked about the Neighborhood Design. This development is met to be obtainable for the young professionals and families that you would want near a school and close to downtown. It is a diverse neighborhood with walkability. The Open-Space is 11% and has a small pocket park as you enter the neighborhood. They addressed the concerns that the Planning Commission and the Town Board had about parking. They have also included a community garden that is raised.

**Mayor Karspeck** Opened the Public Hearing.

**John Keller** of Berthoud still has some concerns with the traffic on Spartan Avenue. He is also concerned with the safety of Blue Bell coming down a hill into County Road 17.

**Joe Rogers** of Berthoud stated that Todd Gabriel Builder and Partner in this project is impressed with his integrity and strength of his character and his willingness to work to make things right. He wanted the Board to know that he was a man that he feels we can trust.

**Trustee Tomassi Motioned to approve The Village at Rose Farm Preliminary plat, as it satisfied the conditions of Section 30-6-105 C found on pages 4-5 of the staff report with the following recommendations:**

**Consideration of fencing options along Berthoud Parkway (staggered fencing, split rail, stepped privacy and columns or similar fencing is recommended) for the Final Plat.**

**Condition that the applicant provide or proportionate share for the installation on a pedestrian crossing on 10<sup>th</sup> and Spartan Avenue.**

**Trustee Dower Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

## 5. Initiative Petition Proposed Ordinance

**Town Clerk Samora** introduced this item. Ordinance 1265 – An ordinance limiting the authority of the Board of Trustees to incur financial obligations on behalf of the citizens in excess of two million dollars without the affirmative vote of three-fourths of the Board of Trustees and barring any financial obligations if the electorate has rejected a bond issue to finance the same or similar matter within the previous two years.

**Mayor Karspeck** opened for public comment.

**Mylan Karspeck** of Berthoud who submitted the Initiative. He stated that the November 6, 2018 election showed that the citizens of Berthoud wanted some form of recreation in Berthoud but did not want the debt. He stated that the December 4, 2018 meeting when the Board discussed Certificates of Participation that it was a walk-around what the citizens voted no for. He went over parts of the proposed Ordinance.

**Stu Boyd** of Berthoud stated that a Board member was quoted stating that many voters were confused or did not understand what they were voting for in the November Election. He feels that is unlikely that 55% of the voters fell into that. He feels that the petition was created to oppose the actions of five current Board members. He feels the petition addresses a trust issue with the current board. He also feels that voters will vote in favor of this petition.

**Brian Dodd** of Berthoud feels that the Citizen's initiative is a way for a former mayor to control the current board who he disagrees with. The fact that he's willing to go to the trouble to put this together to stifle any type of decision-making process that the Board is doing for hours on end every week. He stated that if he talked to his constituents who are all parents of children in schools that the Board would hear his perspective. They want a Recreation Center. He feels that many were spooked based on a letter written to the editor titled Berthoud Voter Beware. He stated that if the Board was not looking at other possible funding options that they would be doing a dis-service to the community. The kids in the community need amenities. He opposes this initiative.

**Christine Torres** opposes the initiative. She stated that she wants good government that is able to discuss important issues properly. Feels that this is important to the Mental Wellness of the community to have.

**Mayor Karspeck Motioned to approve Ordinance, an initiated ordinance limiting the authority of the Town Board of Trustees to incur financial obligation on behalf of the citizens in excess of two million dollars without the affirmative vote of three-fourths of the Board of Trustees and barring any financial obligations if the electorate has rejected a bond issue to finance the same or similar matter with the last two years. THIS MOTION WAS NOT SECONDED OR APPROVED.**

**Mayor Pro Tem Hindman Motioned to publish the proposed ordinance and refer the proposed ordinance to the registered electors at a special mail ballot election to be held on Tuesday, September 10, 2019, Trustee Laak Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

## 6. Oil and Gas Administrative Suspension

**Administrator Kirk** introduced. April 3rd, 2019, the State passed oil and gas legislation in the form of SB-181. This new law authorizes increased local control regarding oil and gas development. With the passage of SB-181, many communities in Colorado are imposing a temporary suspension on permits so they can study the issue and to consider possible regulatory frameworks. Staff believes that a 180-day suspension would provide the Town with enough time to consider the issue more fully.

**Mayor Pro Tem Hindman Motioned to adopt Resolution 2019-12, a resolution of the Town Board, Town of Berthoud, imposing a temporary administrative suspension of consideration of Oil and Gas permit applications. Trustee Hardy Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

In addition to the Resolution passing two board Members Mayor Pro Tem Hindman and Trustee Hardy were appointed to the ad hoc committee.

#### **7. Model Traffic Code Update**

**The Model Traffic Code will be brought back to the Town Board when the state has made available a final version of the Model Traffic Code.**

### **VI. ELECTED OFFICIAL REPORTS**

**Mayor Karspeck** wanted to appreciate the town for Clean-up day. He had Town Clerk Samora elaborate the details on the event.

**Trustee Hardy** is the liaison of the Main Street Overlay. They went over coming up with a mission statement. They discussed the concern about the changes the overlay was trying to undo that had already been done. Feels that with more discussion and being aware that things will come more together.

**Trustee Tomassi** had nothing to report.

**Trustee Alaback** had nothing to report.

**Trustee Laak** went bowling along with his wife Isabel with the Youth Advisory Commission for some bonding time. He also went to the Thompson Valley Board of Education meeting. He liked how they read a script prior to the citizen participation and how they had lights for when time was almost up, and time was up. He also like how they did reports at the beginning of the meeting.

**Trustee Dower** went to the Board of Education meeting. She was impressed by how efficiently it ran as well.

**Mayor Pro Tem Hindman** attended the Water now Alliance meeting April 30, 2019. He stated that it was an amazing meeting because it was communities all over Colorado including the western slope talking about water issues. He stated that we need to really encourage water conservation in our development policies.

**Administrator Kirk** sent out reports prior to tonight's meeting. May 28, 2019 the next regular Board meeting will be our first open house from 5:30 p.m. to 6:15 p.m. upstairs. It will be a way for citizen feedback. He will also send out an e-mail regarding the retreat.

**Attorney Bell** said that the CBT shares sold at \$49,000.00 this last week.

### **VII. EXECUTIVE SESSION**

**Mayor Karspeck Motioned that the Town Board enter into executive session pursuant to C.R.S §24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators. The following details are provided: Potential Acquisition of Property. Trustee Tomassi Seconded the motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

#### **VIII. ADJOURN AT 11:08 p.m.**

**Town Clerk or Deputy Town Clerk**



**William Karspeck**